



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

DATE: NOVEMBER 25, 2015

PREPARED BY: SA [REDACTED]

CASE #: OI-AR-2013-ADM-0068

CROSS REFERENCE #:

TITLE:

MOURE-ERASO, RAPHAEL, POLITICAL APPOINTEE, CHAIRMAN, CSB (ET AL)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
MOURE-ERASO, RAPHAEL, POLITICAL APPOINTEE, CHAIRMAN, CSB	WASHINGTON, D.C.	

VIOLATION:

Title 36 CFR Chapter XII-National Archives and Records Administration, Part 1236

ALLEGATION:

On February 11, 2013, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), hotline received an allegation, sent via email, stating that Rafael More-Eraso (More-Eraso), Chairman, Chemical Safety and Hazard Board (CSB), Daniel Horowitz (Horowitz), Managing Director, CSB, and Richard Loeb (Loeb), General Counsel, CSB, were conducting sensitive CSB business via their personal email accounts.

FINDINGS:

OIG agents conducted interviews, collected sworn statements, and analyzed email records which substantiated the allegation that (More-Eraso, Horowitz, and Loeb were conducting sensitive CSB business via their personal email accounts.

DISPOSITION:

This was an administrative investigation, after consulting with the U.S. Department of Justice (DOJ) Public Integrity Section (PIN), EPA OIG did not formally present the case for criminal prosecution.

On January 22, 2015, EPA OIG issued a Report of Investigation for this investigation to W. Neil Eggleston (Eggleston), Counsel to the President, White House.

RESTRICTED INFORMATION

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On February 2, 2015, the EPA OIG received a response from Eggleston that Moure-Eraso was being directed to take correction action to bring the CSB into compliance with the Federal Records Act.

On March 4, 2015, the House Committee on Oversight and Government Reform (HOCR) held a hearing titled “Rebuilding the Chemical Safety Board: Finding a Solution to the CSB’s Governance and Management Challenges.”

On March 26, 2015, Moure-Eraso sent a letter to the President indicating he is stepping down from CSB chairman to CSB board member effective close of business March 26, 2015, and that he will resign from the CSB board effective April 10, 2015.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE
WASHINGTON, DC 20004

DATE: MAY 16, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2015-ADM-0019

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-15, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	REMOVED FROM FEDERAL SERVICE

VIOLATION(S):

US EPA Office of Criminal Enforcement, Forensics, and Training Conduct Policy,
OCEFT-P-003

XI. INTEGRITY-RELATED MISCONDUCT

- (d) Employees shall not engage, on or off duty, in criminal, infamous, violent, dishonest or notoriously disgraceful conduct, or any other conduct prejudicial to the government or that will adversely impact the reputation of OCEFT.
- (ii) Employees will not make false, misleading, incomplete, or ambiguous statements, whether oral or written, in connection with any matter of official interest. Matters of official interest include but are not limited to: transactions with the public, employees of other government agencies or fellow employees, application forms and other forms that serve as a basis for appointment, reassignment, promotion or other personnel actions, vouchers, leave records and time and attendance records, work reports of any nature or accounts of any kind, affidavits or statements in a disciplinary matter or an internal or other official investigation, or entry or record of any matter relating to or connected with an employee's duties.
- (iii) When directed by competent authority, employees must truthfully and fully testify, provide information or respond to questions (under oath when required) concerning matters of official interest.

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- (iv) Lack of candor by any OCEFT employees in any matter of official interest is very serious and undermines the public trust, in fact any Special Agent found to have engaged in a lack of candor regarding a matter of official interest may be removed from the Federal service.

EPA's Appendix-Guidance on Corrective Discipline, EPA ORDER 3120.1

16. Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding.

ALLEGATIONS:

1. (b) (6), (b) (7)(C) had an inappropriate personal relationship with subordinate employee, (b) (6), (b) (7)(C) - **SUPPORTED**
2. (b) (6), (b) (7)(C) appointed (b) (6), (b) (7)(C) to an (b) (6), (b) (7)(C) position on the (b) (6), (b) (7)(C) and later to an acting position in the (b) (6), (b) (7)(C) based on their inappropriate personal relationship - **NOT SUPPORTED**
3. (b) (6), (b) (7) provided inaccurate information to the Administrator in order to take time off as (b) (6), (b) (7) in New York - **NOT SUPPORTED**
4. (b) (6), (b) (7) was "unfit for duty" due to alcohol consumption, while the (b) (6), (b) (7)(C) in New York City in September 2014 - **NOT SUPPORTED**
5. (b) (6), (b) (7)(C) made misleading and incomplete statements in connection with a matter of official interest - **SUPPORTED**

FINDINGS:

On November 21, 2014, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received an electronic message and voicemail, Hotline Complaint # 2015-039, from unknown sources who made an allegation of professional misconduct by (b) (6), (b) (7)(C), who at the time was the (b) (6), (b) (7)(C), EPA. The allegation of misconduct occurred while (b) (6), (b) (7) was serving as the (b) (6), (b) (7)(C). Subsequently, on November 26 and December 4, 2014, information was received from a person who requested anonymity. This person provided additional allegations concerning misconduct by (b) (6), (b) (7)(C).

DISPOSITION: Supported, Removed from Federal Service

The allegation that (b) (6), (b) (7)(C) engaged in a personal relationship with a subordinate EPA employee, (b) (6), (b) (7)(C), was supported. On July 29, 2013, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were observed passionately kissing and engaged in intimate, physical contact at a nightclub in (b) (6), (b) (7)(C), by two other EPA employees, one of whom was a (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) on the (b) (6), (b) (7)(C). In addition, the investigation disclosed that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had been exchanging a series of sexually and romantically suggestive text messages with each other around this same time period. After being confronted with the text messages, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had developed romantic feelings for each other. (b) (6), (b) (7)(C) admitted that the text messages were inappropriate.

The allegation that (b) (6), (b) (7)(C) appointed (b) (6), (b) (7)(C) to an acting (b) (6), (b) (7)(C) position on the (b) (6), (b) (7)(C) as a result of an inappropriate relationship was not supported. (b) (6), (b) (7)(C) provided detailed, reasonable justifications for appointing (b) (6), (b) (7)(C) as the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) subsequent appointment to a position within the (b) (6), (b) (7)(C). However, the romantic relationship led to the perception by other team members of the (b) (6), (b) (7)(C) of favoritism.

The allegation that (b) (6), (b) (7)(C) provided inaccurate information to the Administrator during a trip to the (b) (6), (b) (7)(C) in New York, September 2014, in order to meet a female who ultimately spent the night in (b) (6), (b) (7)(C) room was not supported. (b) (6), (b) (7)(C) asked the Administrator to be excused from the (b) (6), (b) (7)(C) to have dinner with (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) request was granted. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) initially had plans to meet (b) (6), (b) (7)(C) but a conflict on (b) (6), (b) (7)(C) schedule led to a cancellation. (b) (6), (b) (7)(C) admitted to meeting (b) (6), (b) (7)(C) a woman (not (b) (6), (b) (7)(C)) later that evening and having drinks with (b) (6), (b) (7)(C). The evidence suggests (b) (6), (b) (7)(C) may have stayed the night with (b) (6), (b) (7)(C) in this hotel room. However, there is no evidence to substantiate that (b) (6), (b) (7)(C) gave the Administrator a false story about (b) (6), (b) (7)(C) in order to meet with the woman.

The allegation that (b) (6), (b) (7)(C) reported "unfit for duty" the next day due to alcohol consumption was not supported. Witness interviews of team members who had close contact with (b) (6), (b) (7)(C) during the visit to the (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) was alert and did not smell of alcohol.

The allegation that (b) (6), (b) (7)(C) made misleading and incomplete statements in connection with a matter of official interest was supported. (b) (6), (b) (7)(C) was interviewed on two occasions by OIG special agents. During the first interview, (b) (6), (b) (7)(C) concealed and misled the investigators as to the true nature of the relationship with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) described the relationship as a close, personal, and professional friendship. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had kissed (b) (6), (b) (7)(C) on the cheek and hugged (b) (6), (b) (7)(C) in greeting. (b) (6), (b) (7)(C) denied ever kissing (b) (6), (b) (7)(C) on the mouth or lips. (b) (6), (b) (7)(C) denied kissing (b) (6), (b) (7)(C) in the nightclub in (b) (6), (b) (7)(C). Only after further questioning and informed that there was evidence which showed (b) (6), (b) (7)(C) kissed (b) (6), (b) (7)(C), did (b) (6), (b) (7)(C) change (b) (6), (b) (7)(C) story, stating that "I may have [kissed (b) (6), (b) (7)(C)]. I don't recall. If I had been drinking ... I just don't recall." (b) (6), (b) (7)(C) maintained that (b) (6), (b) (7)(C) did not recall the kissing episode, and that the consumption of alcohol that night may have affected (b) (6), (b) (7)(C) recollection.

Further investigation disclosed sexually and romantically suggestive text messages sent between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) around the same time period as the (b) (6), (b) (7)(C) trip. Examples include a text from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) on June 24, 2013 (approximately one month before the (b) (6), (b) (7)(C) nightclub kissing episode): "Can't wait to get my hands on you girl" and (approximately six days prior) "GM, baby, I

can't wait until tonight. I might need you as soon as possible." In other text messages they referred to one another as "baby." The investigation also found that (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) personal cell phone number on (b) (6), (b) (7)(C) Agency-issued Blackberry, under the alias (b) (6), (b) (7)(C).

Interviewed a second time, and confronted with the text messages and the (b) (6), (b) (7)(C) alias for (b) (6), (b) (7)(C) personal cell phone number, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) liked each other, but that "[n]othing ever came of this because I was (b) (6), (b) (7)(C) boss." (b) (6), (b) (7)(C) maintained that (b) (6), (b) (7)(C) realized that the texting was inappropriate and that (b) (6), (b) (7)(C) took steps to put an end to it, including "admonishing" (b) (6), (b) (7)(C).

This investigation substantiated that (b) (6), (b) (7)(C) was not forthright with investigators about the true nature of (b) (6), (b) (7)(C) relationship with (b) (6), (b) (7)(C); that (b) (6), (b) (7)(C) provided conflicting, misleading, and incomplete statements with respect to (b) (6), (b) (7)(C) relationship with (b) (6), (b) (7)(C) and only admitted to the relationship after confronted with evidence indicating an on-going romantic relationship at that time.

On January (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was removed from Federal Service for Lack of Candor and Inappropriate Conduct.

On April 13, 2018, Merit Systems Protection Board (MSPB) Administrative Judge (b) (6), (b) (7)(C) affirmed the Environmental Protection Agency's decision to remove (b) (6), (b) (7)(C) from federal service following an administrative appeal and hearing.

All legal and administrative proceedings have been completed and/or exhausted in this investigation.

As a result, this investigation is considered closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW WJC WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
, ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, DC
OI-AR-2015-ADM-0065

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(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

With Attachments

(b) (6), (b) (7)(C)
Informational Purposes Only – No Attachments

(b) (6), (b) (7)(C)
Informational Purposes Only – No Attachments

Submitted by:

(b) (6), (b) (7)(C)
Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-AR-2015-ADM-0065 **DATE OPENED:** 05/20/2015

CASE TITLE: (b) (6), (b) (7)(C), GS-12, **CASE AGENT(s):** (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
 ENVIRONMENTAL
 PROTECTION AGENCY,
 WASHINGTON, DC

CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office

JOINT AGENCIES: None **JURISDICTION:** Washington, DC

SECTION A - NARRATIVE

Introduction

On May 20, 2015, the Washington Field Office, Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), Arlington, VA initiated an investigation based on EPA Hotline Complaint 2015-044. According to the complaint, EPA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), EPA, Washington, DC or possibly spouse (b) (6), (b) (7)(C) misused (b) (6), EPA government travel credit card by making cash withdrawals for other than official purposes. (Exhibit 1)

During the course of this investigation, the OI developed information to believe (b) (6), had provided false information to OI investigators concerning who actually used (b) (6) government travel card.

The OIG determined there were four possible criminal and administrative violations that required investigation. The allegations investigated by the OIG were:

1. (b) (6), misrepresented (b) (6), as (b) (6), by utilizing the personal identification number (PIN) associated to (b) (6), government travel card and withdrew funds.
2. (b) (6), provided false information to OI investigators by alleging (b) (6), withdrew funds from (b) (6) government travel card.
3. (b) (6), misused (b) (6) official EPA government travel card.

Possible violation(s)

1. 18 U.S.C. § 1028 – Fraud and related activity in connection with identification documents, authentication features, and information;
2. 18 U.S.C. § 1001 – False statement;
3. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding;
4. EPA Office of the Chief Financial Officer Resource Management Directive System 2550B (Official Travel) Policy Manual.

Synopsis

Sufficient information was not developed to support that (b) (6), (b) (7) violated 18 U.S.C. § 1028 by misrepresenting (b) (6), as (b) (6), (b) (7) and making cash withdrawals from (b) (6), (b) (7) government travel card.

Sufficient information was developed to support that (b) (6), (b) (7) violated 18 U.S.C. § 1001 and EPA Order 3120.1, Appendix – Table of Penalties #16 by providing false information to OI investigators. Sufficient information was also developed to support that (b) (6), (b) (7) violated EPA Resource Management Directive System 2550B (Official Travel) by using (b) (6), (b) (7) government travel card for personal purchases.

On April 1, 2016, the investigation of (b) (6), (b) (7) providing false information to the EPA OIG was declined by the Department of Justice's (DOJ) Public Integrity Section, Washington, DC. Declination was based on factors to include (b) (6), (b) (7)(C), (b) (5), (b) (6), (b) (7)(C), (b) (6), (b) (7).

Details

Investigation Disclosed Allegations Not Supported

Allegation 1: (b) (6), (b) (7) utilized (b) (6), (b) (7)(C) EPA issued travel card and made multiple cash withdrawals.

Allegation 1 Findings: During a preliminary interview, (b) (6), (b) (7) alleged that (b) (6), (b) (7) spouse, (b) (6), (b) (7) had mistakenly utilized (b) (6), (b) (7) government travel card and made various cash withdrawals without (b) (6), (b) (7) knowledge. However, through subsequent interviews of (b) (6), (b) (7), various records reviews, and a second interview of (b) (6), (b) (7), it was determined that (b) (6), (b) (7) did not utilize (b) (6), (b) (7) travel card.

Allegation 1 Investigative Results: On April 16, 2015, (b) (6), (b) (7) was interviewed (b) (6), (b) (7) stated that (b) (6), (b) (7) had first learned of the questioned charges on (b) (6), (b) (7) government travel card after being contacted by the bank. (b) (6), (b) (7) stated that (b) (6), (b) (7) spoke with (b) (6), (b) (7)(C), and confirmed that (b) (6), (b) (7) had made the cash withdrawals. According to (b) (6), (b) (7), (b) (6), (b) (7) didn't use (b) (6), (b) (7) government travel card all the time therefore (b) (6), (b) (7) kept the card at (b) (6), (b) (7) residence in a folder with other personal credit cards. The government travel card's PIN was written on a piece of paper and affixed to the travel card. (b) (6), (b) (7) stated that (b) (6), (b) (7) accidentally used that card thinking it was one of their personal credit cards. (Exhibit 2)

On February 5, 2016, (b) (6), was interviewed. (b) (6), denied using (b) (6), government travel card adding that (b) (6), did not know (b) (6), was even issued one. (Exhibit 3) (b) (7)

On February 9, 2016, the OI reviewed the bank statements for (b) (6), (b) (7)(C) government travel card. Review identified a total of nine questionable automated teller machine (ATM) cash withdrawals during the months of July 2014 through October 2014 as follows:

Trans Date	Amount	Location
7/3/2014	803.00	Wells Fargo, Largo, MD
7/10/2014	800.00	Chase, New York, NY
7/25/2014	803.00	Wells Fargo, Largo, MD
8/4/2014	803.00	Wells Fargo, Largo, MD
8/23/2014	803.00	Wells Fargo, Philadelphia, PA
9/8/2014	803.00	Wells Fargo, Bowie, MD
10/4/2014	803.00	Wells Fargo, Bowie, MD
10/15/2014	803.00	Wells Fargo, Bowie, MD
10/22/2014	803.00	Wells Fargo, Bowie, MD

No cash withdrawals were noted during the month of June 2014 and no cash withdrawals were noted after the October 22, 2014 cash advance. Noted among the identified cash withdrawals was an \$800.00 cash withdrawal made in New York, NY on July 10, 2014. (Exhibit 4)

On February 9, 2016, the OI reviewed the July 2014 bank statement pertaining to (b) (6), government travel card. Review determined (b) (6), appeared to be on official travel in New York, NY during the week of July 8, 2014 through July 13, 2014. (Exhibit 5)

Subsequent coordination with (b) (6), management confirmed (b) (6), (b) (7) to be on official travel to New York during the week of July 8, 2014 through July 13, 2014.

On February 18, 2016, the OI reviewed the (b) (6), (b) (7)(C), (b) (7)(E) for (b) (6),. Specifically noted were (b) (6), (b) (6), (b) (7)(C), (b) (7)(E) for July 10, 2014, which showed (b) (6), to have (b) (6), (b) (7)(C), (b) (7)(E) multiple times throughout the day. (Exhibit 6) (b) (7)

On February 29 and again on March 11, 2016, (b) (6), was telephonically reinterviewed. (b) (6), again denied ever using (b) (6), government travel card and further stated that (b) (6), admitted to (b) (6), that (b) (6), used the card and made the questioned withdrawals. (Exhibit 7) (b) (7)

On March 10, 2016, (b) (6), was reinterviewed. (b) (6), was questioned concerning the recently developed information where (b) (6), admitted that it was (b) (6), and not (b) (6), who used (b) (6), government travel card and made the questioned cash withdrawals. (b) (6), recalled that (b) (6), may have used the money to pay bills and make random purchases. (Exhibit 8) (b) (7)

Investigation Disclosed Allegations Supported

Allegation 2: (b) (6), (b) (7)(C) provided false information to OI investigators concerning who utilized (b) (6), EPA issued travel card.

Allegation 2 Findings: During a preliminary interview, (b) (6), alleged that (b) (6), spouse, (b) (6), had mistakenly utilized (b) (6) government travel card and made various cash withdrawals without (b) (6) knowledge. However, through subsequent interviews of (b) (6), various records reviews, and a second interview of (b) (6), it was determined that (b) (6), (b) (7) did not utilize (b) (6), (b) travel card. During the reinterview of (b) (6), (b) admitted that (b) (6), (b) provided OI false information and that it was (b) (6) who used (b) (6) travel card for the cash withdrawals. (b) (6)

Allegation 2 Investigative Results: On April 16, 2015, (b) (6), was interviewed (b) (6), stated that (b) (6) had first learned of the questioned charges on (b) (6) government travel card after being contacted by the bank. (b) (6), stated that (b) (6) spoke with (b) (6), (b) (6), and confirmed that (b) (6) had made the cash withdrawals. According to (b) (6), (b) (6) didn't use (b) (6) government travel card all the time therefore (b) (6) kept the card at (b) (6) residence in a folder with other personal credit cards. The government travel card's PIN was written on a piece of paper and affixed to the travel card. (b) (6), stated that (b) (6) accidentally used that card thinking it was one of their personal credit cards. (Exhibit 2) (b) (6)

On February 5, 2016, (b) (6), was interviewed. (b) (6), denied using (b) (6), government travel card adding that (b) (6) did not know (b) (6) was even issued one. (Exhibit 3) (b) (6)

On February 9, 2016, the OI reviewed the bank statements for (b) (6), government travel card. Review identified a total of nine questionable automated teller machine (ATM) cash withdrawals during the months of July 2014 through October 2014 as follows:

Trans Date	Amount	Location
7/3/2014	803.00	Wells Fargo, Largo, MD
7/10/2014	800.00	Chase, New York, NY
7/25/2014	803.00	Wells Fargo, Largo, MD
8/4/2014	803.00	Wells Fargo, Largo, MD
8/23/2014	803.00	Wells Fargo, Philadelphia, PA
9/8/2014	803.00	Wells Fargo, Bowie, MD
10/4/2014	803.00	Wells Fargo, Bowie, MD
10/15/2014	803.00	Wells Fargo, Bowie, MD
10/22/2014	803.00	Wells Fargo, Bowie, MD

No cash withdrawals were noted during the month of June 2014 and no cash withdrawals were noted after the October 22, 2014 cash advance. Noted among the identified cash withdrawals was an \$800.00 cash withdrawal made in New York, NY on July 10, 2014. (Exhibit 4)

On February 9, 2016, the OI reviewed the July 2014 bank statement pertaining to (b) (6), government travel card. Review determined (b) (6), appeared to be on official travel in New York, NY during the week of July 8, 2014 through July 13, 2014. (Exhibit 5)

Subsequent coordination with (b) (6), management confirmed (b) (6), (b) (7) to be on official travel to New York during the week of July 8, 2014 through July 13, 2014.

On February 18, 2016, the OI reviewed (b) (6), (b) (7)(C), (b) (7)(E) for (b) (6), (b) (7)(C), (b) (7)(E) for July 10, 2014, which showed (b) (6), (b) (7)(C), (b) (7)(E) to have (b) (6), (b) (7) multiple times throughout the day. (Exhibit 6) (b) (6)

On February 29 and again on March 11, 2016, (b) (6), (b) (7) was telephonically reinterviewed. (b) (6), (b) (7) again denied ever using (b) (6), (b) (7) government travel card and further stated that (b) (6), (b) (7) admitted to (b) (6), (b) (7) that (b) (6), (b) (7) used the card and made the questioned withdrawals. (Exhibit 7) (b) (6)

On March 10, 2016, (b) (6), (b) (7) was reinterviewed. (b) (6), (b) (7) was questioned concerning the recently developed information where (b) (6), (b) (7) admitted that it was (b) (6), (b) (7) and not (b) (6), (b) (7), who used (b) (6), (b) (7) government travel card. (b) (6), (b) (7) recalled that (b) (6), (b) (7) may have used the money to pay bills and make random purchases. (Exhibit 8) (b) (6)

Allegation 3: (b) (6), (b) (7) misused (b) (6), (b) (7) EPA issued Government travel card.

Allegation 3 Findings: During the reinterview of (b) (6), (b) (7), (b) (6), (b) (7) admitted that (b) (6), (b) (7) had made cash withdrawals with (b) (6), (b) (7) government travel card and made personal purchases. (b) (6)

Allegation 3 Investigative Results: On February 9, 2016, the OI reviewed the bank statements for (b) (6), (b) (7) government travel card. Review identified a total of nine questionable ATM cash withdrawals (b) (6), (b) (7) during the months of July 2014 through October 2014 as follows:

Trans Date	Amount	Location
7/3/2014	803.00	Wells Fargo, Largo, MD
7/10/2014	800.00	Chase, New York, NY
7/25/2014	803.00	Wells Fargo, Largo, MD
8/4/2014	803.00	Wells Fargo, Largo, MD
8/23/2014	803.00	Wells Fargo, Philadelphia, PA
9/8/2014	803.00	Wells Fargo, Bowie, MD
10/4/2014	803.00	Wells Fargo, Bowie, MD
10/15/2014	803.00	Wells Fargo, Bowie, MD
10/22/2014	803.00	Wells Fargo, Bowie, MD

No cash withdrawals were noted during the month of June 2014 and no cash withdrawals were noted after the October 22, 2014 cash advance. Noted among the identified cash withdrawals was an \$800.00 cash withdrawal made in New York, NY on July 10, 2014. (Exhibit 4)

On February 9, 2016, the OI reviewed the July 2014 bank statement pertaining to (b) (6), (b) (7) government travel card. Review determined (b) (6), (b) (7) appeared to be on official travel in New York, NY during the week of July 8, 2014 through July 13, 2014. (Exhibit 5)

Subsequent coordination with (b) (6), (b) (7) management confirmed (b) (6), (b) (7) to be on official travel to New York during the week of July 8, 2014 through July 13, 2014.

On February 29 and again on March 11, 2016, (b) (6), (b) (7) was telephonically reinterviewed. (b) (6), (b) (7) again denied ever using (b) (6), (b) (7) government travel card and further stated that (b) (6), (b) (7) admitted to (b) (6), (b) (7) that (b) (6), (b) (7) used the card and made the questioned withdrawals. (Exhibit 7) (b) (6)

On March 10, 2016, (b) (6), (b) (7)(C) was reinterviewed. (b) (6), (b) (7)(C) was questioned concerning the recently developed information where (b) (6), (b) (7)(C) admitted that it was (b) (6), (b) (7)(C) and not (b) (6), (b) (7)(C), who used (b) (6), (b) (7)(C) government travel card and made the questioned cash withdrawals. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) may have used the money to pay bills and make random purchases. (Exhibit 8)

Disposition

This Report of Investigation is being referred to (b) (6), (b) (7)(C) EPA, Washington, DC for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA
Role: Subject
Business Address: US EPA, Ronald Reagan Building, 1300 Pennsylvania Ave., N.W., Rm (b) (6), (b) (7)(C) Washington, DC 20004
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) (C)
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: No

SECTION C – PROSECUTIVE STATUS

This investigation was presented to the DOJ's Public Integrity Section, Washington, DC for the potential violation of Title 18 USC 1001 False statement; however, it was declined for acceptance based on factors to include (b) (6), (b) (7)(C), (b) (6), (b) (7)(E) (b) (6), (b) (7)(C).

EXHIBITS

EXHIBIT	DESCRIPTION
1.	Case Initiation
2.	Interview of (b) (6), (b) (7)(C)
3.	Interview of (b) (6), (b) (7)(C)
4.	Review of Government Travel Card Bank Statements
5.	Review of July 2014 Government Travel Card Bank Statement
6.	Review of (b) (6), (b) (7)(C), (b) (7)(E)
7.	Reinterviews of (b) (6), (b) (7)(C)
8.	Reinterview of (b) (6), (b) (7)(C)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: January 3, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2015-ADM-0065

CROSS REFERENCE #: COMP-2015-74

TITLE: (b) (6), (b) (7)(C) GS-12, (b) (6), (b) (7)(C)
ENVIRONMENTAL PROTECTION AGENCY,
WASHINGTON, DC

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	EPA Employee
	Washington, DC	(b) (6), (b) (7)(C) Employee

POTENTIAL VIOLATION(S):

1. 18 U.S.C. § 1028 – Fraud and related activity in connection with identification documents, authentication features, and information
2. 18 U.S.C. § 1001 – False statement
3. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding
4. EPA Office of the Chief Financial Officer Resource Management Directive System 2550B (Official Travel) Policy Manual

ALLEGATION:

On November 30, 2014, the Washington Field Office, Office of Inspector General (OIG), Environmental Protection Agency (EPA), Arlington, VA received EPA Hotline Complaint 2015-044. According to the complaint, EPA employee (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, Washington, DC may have misused (b) (6), (b) (7)(C) government issued travel credit card, possibly by allowing (b) (6), (b) (7)(C) spouse, (b) (6), (b) (7)(C), make automatic teller machine withdrawals.

During the course of this investigation information was developed to suggest (b) (6), (b) (7)(C) may have provided false information concerning (b) (6), (b) (7)(C), using (b) (6), (b) (7)(C) government travel card.

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FINDINGS:

Multiple document reviews and interviews were conducted which developed information to suggest (b) (6) provided false information concerning the use of (b) (6) government travel card.

On two occasions (b) (6), was interviewed. (b) (6), initially stated that (b) (6) had first learned of the questioned charges on (b) (6) government travel card after being contacted by the bank. (b) (6) related that (b) (6) had spoken with (b) (6), and confirmed that (b) (6) had made the cash withdrawals. (b) (6) stated that (b) (6), accidentally used the card thinking it was one of their personal credit cards. (b) (6) However, after continued investigation, (b) (6) was reinterviewed where (b) (6) admitted that it was (b) (6) and not (b) (6) who used (b) (6) government travel card and made the questioned cash withdrawals. (b) (6) recalled that (b) (6) may have used the money to pay bills and make random purchases.

DISPOSITION: Not Supported; Supported; Closed

Sufficient information was not developed to support (b) (6), violated 18 U.S.C. § 1028, as alleged. Sufficient information was developed to support (b) (6), (b) (7)(C), misused (b) (6) government travel card, as well as provided false information to EPA management and EPA OIG investigators.

On April 1, 2016, this investigation was presented to the Public Integrity Section of the U.S. Department of Justice, Washington, DC for criminal prosecution but was declined.

On September 27, 2016, a report of investigation concerning this inquiry was provided to the Deputy Director, (b) (6), (b) (7)(C) EPA, Washington, DC for any action deemed appropriate. This office was subsequently notified that on April 18, 2017, a Notice of Proposed Removal, citing a lack of candor and misuse of the government travel card, was provided to (b) (6), (b) (7). On (b) (6), (b) (7)(C) 2017, (b) (6) resigned from (b) (6) EPA position.

As all investigative steps have been taken this investigation is closed in this office.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: March 3, 2016

PREPARED BY: SA [REDACTED]

CASE #: 01-HW-2013-ADM-011

CROSS REFERENCE

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
[REDACTED]	Atlanta, GA	

VIOLATIONS: 18 U.S.C. 203 – Compensation to Members of Congress, officers, and others in matters affecting the Government.
18 U.S.C. 205 – Activities of officers and employees in claims against and other matters affecting the Government.
EPA Order 2101.0 – Policy on Limited Personal Use of Government Office Equipment.

ALLEGATION(s): On December 19, 2012, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) received correspondence from [REDACTED]

[REDACTED] concerning possible ethics violations by EPA Employee (b) (6), (b) (7)(C). Specifically, (b) (6), (b) (7)(C) indicated that [REDACTED] appeared to have represented the [REDACTED] back to the Federal Government in violation of federal ethics statutes concerning representational conflict of interest. (b) (6), (b) (7)(C) also indicated this activity regularly occurred during [REDACTED] EPA duty hours utilizing EPA resources. Subsequent to receiving this complaint, the EPA OIG opened an investigation into the aforementioned matter.

FINDINGS: On May 1, 2013, the United States Attorney's Office, Northern District of Georgia declined to prosecute this matter under 18 USC 205, Activities of Officers and Employees in Claims and Other Matters Affecting the Government. Subsequently, the EPA OIG continued its administrative investigation into the matter. The results of the administrative investigation substantiated the allegations that [REDACTED] represented the [REDACTED] back to the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) and that [REDACTED] conducted business related to the function of [REDACTED] ownership/management of [REDACTED] during EPA business hours with government resources. On [REDACTED]

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October 29, 2015, notification was received via e-mail from [REDACTED] (C) [REDACTED] that on September 17, 2015, (b) (6), (b) (7)(C) [REDACTED] issued [REDACTED] a Letter of Warning.

DISPOSITION: Substantiated; Closed

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended to be closed.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: JANUARY 12, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2013-ADM-0045

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13 (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	BOSTON, MA.	

BACKGROUND:

On February 13, 2013, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) received preliminary information from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) regarding an allegation that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was involved in an illegal Ponzi ("Pyramid") scheme.

VIOLATION:

1. 18 USC 1001 – False Statements.

ALLEGATION:

(b) (6), (b) (7)(C) participated in a Ponzi "Pyramid" scheme, involving a gifting table.

FINDINGS:

While participating in the gifting tables, (b) (6), (b) (7)(C) earned income that (b) (6), (b) (7)(C) did not report on (b) (6), (b) (7)(C) 2011 Office of Government Ethics (OGE) 450 form. The OGE 450 form requires certain government employees to report outside earnings over \$200 and/or receipt of gifts totaling more than \$350 in a calendar year. (b) (6), (b) (7)(C) falsely submitted the OGE 450 form for the 2011 calendar year, as the investigation disclosed (b) (6), (b) (7)(C) received \$2,500 in cash for (b) (6), (b) (7)(C) participation in the gifting table pyramid scheme in October 2011. This false submission constituted a violation of 18 USC 1001 and 2

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DISPOSITON:

As a result of the OIG's investigation, (b) (6), (b) (7)(C) retired from the EPA on January (b) (6), (b) (7)(C) 2015.

On July 29, 2015, (b) (6), (b) (7)(C) appeared before United States District Judge Alvin W. Thompson in the U.S. District Court of Connecticut for sentencing after entering a plea of guilty to one count of making a false statement, in violation of Title 18, United States Code, Section 1001(a)(2) and Title 18, United States Code, Section 2 on March 11, 2015. Judge Thompson sentenced (b) (6), (b) (7)(C) to one year of probation, a fine of \$1000, special court assessment of \$100 and ordered (b) (6), (b) (7)(C) to pay \$7,500 in restitution.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 28, 2016

PREPARED BY: SA [REDACTED]

CASE #: OI-AR-2013-ADM-0068

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
[REDACTED]	WASHINGTON, DC	

POTENTIAL VIOLATION(S): Misuse of Government Equipment, Inappropriate Conduct at Work, Misuse of Official Time in violation of Environmental Protection Agency (EPA) Order CIO 2102.0, *Policy on Limited Personal Use of Government Equipment*, (April 2, 2004)(Tab B).

ALLEGATION(S): [REDACTED]
[REDACTED] downloaded and viewed pornographic images on [REDACTED] EPA laptop while at work.

FINDING: The allegation that [REDACTED] downloaded and viewed pornographic images on [REDACTED] EPA computer while at work is supported.

On March 10, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of [REDACTED]

On March 13, 2015, the OIG provided EPA senior leadership with a final summary memorandum report for this investigation. On March 24, 2015, Acting Assistant Administrator [REDACTED] informed the OIG that the EPA had submitted a letter of proposed removal to [REDACTED] due to the OIG's investigation.

[REDACTED] retired from federal service effective March 10, 2015

DISPOSITION: Since this case has been criminally declined and there is no administrative nexus, this case is closed with no further action. However, if additional information is obtained, OI will assess such information and take appropriate action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: NOVEMBER 02, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2014-ADM-0082

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, D.C.	

BACKGROUND: On Friday May 2, 2014, Special Agent (SA) (b) (6), (b) (7)(C) Office of Inspector General (OIG), Environmental Protection Agency (EPA) spoke with (b) (6), (b) (7)(C)

regarding an allegation of employee misconduct involving (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Specifically, on Thursday April 24, 2014, (b) (6) was witnessed viewing pornographic material on (b) (6) government laptop during core work hours by a minor who was in the building for the EPA's "Bring Your Daughters and Sons to Work Day."

VIOLATION: EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #7: Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.

ALLEGATION: On May 2, 2014, the EPA OIG received a complaint alleging employee misconduct involving (b) (6), (b) (7)(C) Specifically, on Thursday April 24, 2014, (b) (6), (b) (6) was allegedly witnessed viewing pornography on (b) (6) government laptop during (b) (6) core work hours by a minor who was in the building for the EPA's (b) (6) "Bring Your Daughters and Sons to Work Day." On February 23, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of this case making it a purely administrative matter.

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FINDINGS: Sufficient evidence existed to support a finding that (b) (5), (b) (7) misused government time and resources by viewing and organizing pornography on an EPA computer during scheduled working hours in violation of EPA policy.

DISPOSITON:

On March 23, 2015, a Proposal Notice for Removal was sent to (b) (6) and on May (b) (6) 2015, (b) (6) was officially removed from employment with the EPA. After termination, (b) (6) filed a complaint regarding (b) (6) removal with the Merit Systems Protection Board, but (b) (6) withdrew that complaint with prejudice as of July 13, 2015.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

MAR 18 2015

FINAL SUMMARY REPORT

SUBJECT: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Case Number: OI-HQ-2014-ADM-0120

FROM: Patrick F. Sullivan
Assistant Inspector General for Investigations
Environmental Protection Agency (EPA)
Office of Inspector General (OIG)

Allen *DAICT*
For:

TO: (b) (6), (b) (7)(C)
Environmental Protection Agency (EPA)
(b) (6), (b) (7)(C)
(With Attachments)

(b) (6), (b) (7)(C)
Associate General Counsel
Office of General Counsel
Environmental Protection Agency (EPA)
(Without Attachments)

This final summary report sets forth the EPA OIG's investigative finding for your review concerning the above referenced case. This report includes the eleven investigative documents used in our review, which will also be relevant to your review process in determining whether administrative action is warranted.

As background, on March 27, 2014, the EPA OIG received an allegation that (b) (6), (b) (7)(C) had potentially reported false information on (b) standard form 85P, "Questionnaire for Public Trust Positions" from the EPA, Personnel Security Branch (PSB). (b) (6), (b) (7)(C) indicated on (b) SF-85P that (b) received a Bachelor of Science from Ohio State University (OSU). However, during the course of the investigation, the Office of Personnel Management (OPM)¹ determined that (b) had not earned a degree from OSU. We initiated an investigation into whether (b) (6) had provided false information on (b) SF-85P.

¹ The Office of Personnel Management (OPM) conducts background investigations of potential and current EPA employees. OPM submits the findings to the EPA PSB for a suitability determination.

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On November 25, 2015 EPA OIG agents interviewed (b) (6). EPA OIG agents asked (b) (6) if after considering all of the facts and information (b) (6) has received over the past few years regarding (b) (6) claim that (b) (6) received a degree from the OSU if (b) (6) felt (b) (6) correctly claimed a degree from OSU on (b) (6) SF85. (b) (6) responded "No. Knowing now what I know the answer is no." (b) (6) continued "At this point in time I have to say the answer is no. I took it [Ohio State degree] off my resume." (b) (6) explained that (b) (6) left OSU before the graduation ceremony over thirty years prior. (b) (6), told EPA OIG agents that (b) (6) had (b) (6) original degree mailed directly to (b) (6) first employer, the (b) (6), (b) (7)(C). (b) (6) added that (b) (6) was originally in the School of Architecture and transferred to the School of Engineering. (b) (6) added that (b) (6) was upset and trying to collect proof of (b) (6) education claim but was unsuccessful because a lot of time had passed and many of the records were on paper or no longer maintained by (b) (6) former employers.

OIG agents asked (b) (6) if (b) (6) current position has an education requirement. (b) (6) responded that it does not. (b) (6) commented that (b) (6) is close to retirement and (b) (6) doesn't consider this situation a priority at this time.

Based upon the foregoing, there is sufficient evidence to substantiate the allegation that (b) (6) improperly claimed (b) (6) earned a degree from OSU on (b) (6) SF-85P signed December 20, 2010.

On November 19, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of (b) (6), for violations of 18 USC 1001 – False Statements. As such, this case is solely administrative. I am providing you with this Final Summary Report, along with supporting documentation, for your review and to enable the Agency to take whatever administrative action is deemed appropriate.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of receipt of this Final Summary Report of the administrative action taken or proposed by you in this matter, if any. This final summary report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

If you have any questions or concerns, please do not hesitate to contact me at 202-56 (b) (6), (b) (7)(C)

ATTACHMENT

1. Memorandum of Activity – Final Summary Report Attachments

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: MARCH 14, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-ADM-0044

CROSS REFERENCE #: COMP-2015-37

TITLE: (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)
ENVIRONMENTAL PROTECTION AGENCY

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, D.C.	

VIOLATION:

18 U.S.C. § 1001(a) – Statements or entries generally – False statements
5 C.F.R. Part 2635 - Standards of ethical conduct for employees of the executive branch: Subpart H – Outside Activities

ALLEGATION:

On November 7, 2014, the Office of Professional Responsibility (OPR), Office of Investigations, Office of Inspector General (OIG), Environmental Protection Agency (EPA), received an EPA Office of Inspector General Hotline complaint alleging (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA, had outside employment that was not documented on (b) (6), (b) (7)(C) previously submitted and signed Confidential Financial Disclosure Report (OGE Form 450). The complaint also alleged (b) (6), (b) (7)(C) outside employment position may be a conflict of interest with (b) (6), (b) (7)(C) position as an EPA employee due to the fact that (b) (6), (b) (7)(C) EPA position requires international travel, which may also be related to travel for (b) (6), (b) (7)(C) outside employment.

FINDINGS:

Concerning the first allegation, there is sufficient evidence to support that (b) (6), (b) (7)(C) had outside employment, as defined in the OGE Form 450, with a nonprofit organization called (b) (6), (b) (7)(C). This employment was not approved by the (b) (6), (b) (7)(C) designated Ethics Official; and, (b) (6), (b) (7)(C) neglected to list (b) (6), (b) (7)(C) position with (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) signed OGE Form 450 for years 2009 to 2014.

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The second allegation, however, which was that (b) (6), (b) (7)(C) international travel for official EPA business included travel for personal and/or outside employment purposes, is unfounded. Specifically, (b) (6), (b) (7)(C) is a domestic non-profit organization, which hosts (b) (6), (b) (7)(C) locally in the Washington, District of Columbia metropolitan area.

DISPOSITION:

On November 20, 2015, the facts of the case were presented to The United States Attorney's Office for the District of Columbia, regarding the stated allegations for potential violations of 18 U.S.C. § 1001(a). The Fraud and Public Corruption Section (FPCS) declined federal prosecution of (b) (6), (b) (7)(C) based on the facts of the case. The FPCS approved the EPA to take whatever administrative actions EPA deems necessary, if appropriate. As such, this EPA OIG case was solely administrative in nature.

On January 29, 2016, the EPA OIG issued a Final Summary Report for this investigation to Stan Meiburg, Acting Deputy Administrator, EPA, (b) (6), (b) (7)(C) Assistant Administrator, (b) (6), (b) (7)(C) EPA, and (b) (6), (b) (7)(C) Office of General Counsel, EPA.

On February 25, 2016, (b) (6), (b) (7)(C) responded to the EPA OIG Final Summary Report via memorandum to Arthur Elkins, Inspector General, Office of Inspector General, EPA. In the memorandum, (b) (6), (b) (7)(C) advised the OIG that (b) (6), (b) (7)(C) had resigned from the EPA, effective on February 1, 2016. As a result of (b) (6), (b) (7)(C) resignation, no administrative action was taken by the (b) (6), (b) (7)(C), however, did advise that the (b) (6), (b) (7)(C) Immediate Office of the Assistant Administrator was evaluating whether the case necessitates updates to their current ethics training.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DEC 10 2015

FINAL SUMMARY REPORT

SUBJECT: (b) (6), (b) (7)(C)

Case Number: OI-HQ-2015-ADM-0074

FROM: Patrick F. Sullivan
Assistant Inspector General for Investigations
Environmental Protection Agency (EPA)
Office of Inspector General (OIG)

TO: (b) (6), (b) (7)(C)

Environmental Protection Agency (EPA)

(b) (6), (b) (7)(C)

(With Attachments)

Matthew Fritz
Chief of Staff
Office of the Administrator (OA)
Environmental Protection Agency (EPA)
(Without Attachments)

(b) (6), (b) (7)(C)

Associate General Counsel
Office of General Counsel
Environmental Protection Agency (EPA)
(Without Attachments)

This final summary report sets forth the EPA OIG's investigative finding for your review concerning the above referenced case. This report includes the eleven investigative documents used in our review,¹ which will also be relevant to your review process in determining whether administrative action is warranted.

As background, on May 27, 2015, the EPA OIG received a complaint alleging that on numerous occasions (b) (6), (b) (7)(C) notified staff via email that (b) (6) would be out of the office on leave, (6)

¹ Due to the large number of pages in the relevant attachments, the EPA OIG will provide a CD with digital copies of the attachments contained within a memorandum of activity.

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but then did not record (b) (6) leave taken in PeoplePlus.² We initiated an investigation into whether (b) (6), (b) (7)(C) was committing time and attendance fraud.

On August 21, 2015, (b) (6), (b) (7)(C) was interviewed by EPA OIG special agents. During this interview, (b) (6), (b) (7)(C) made admissions and provided explanations as to why (b) (6), (b) (7)(C) had recorded time away from the office in non-duty status as regular EPA work hours. Specifically, during (b) (6), (b) (7)(C) interview, special agents presented (b) (6), (b) (7)(C) with a spreadsheet listing (b) (6), (b) (7)(C) leave requests and/or leave notification emails and (b) (6), (b) (7)(C) corresponding PeoplePlus records, which identified approximately 311 hours of regular time that should have been recorded as leave.³ In addition to the spreadsheet, (b) (6), (b) (7)(C) was also presented with samples of (b) (6), (b) (7)(C) leave email notifications, PeoplePlus records, and screenshots of email activity. (b) (6), (b) (7)(C) reviewed and initialed these documents during (b) (6), (b) (7)(C) interview. Further, (b) (6), (b) (7)(C) drafted a sworn statement concerning this matter, in which (b) (6), (b) (7)(C) stated, in part, "I am very concerned and upset about what I've learned today and I'm anxious to right this wrong."

Based upon the foregoing, there is sufficient evidence to substantiate the allegation that (b) (6), (b) (7)(C) improperly recorded (b) (6), (b) (7)(C) time and attendance.

On September 3, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of (b) (6), (b) (7)(C) for violations of 18 USC 641 – Public Money, Property, or Records. As such, this case is solely administrative. I am providing you with this Final Summary Report, along with supporting documentation, for your review and to enable the Agency to continue to take whatever administrative action is deemed appropriate.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of receipt of this Final Summary Report of the administrative action taken or proposed by you in this matter, if any. This final summary report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

If you have any questions or concerns, please do not hesitate to contact me at 202- (b) (6), (b) (7)(C)

ATTACHMENT

1. Memorandum of Activity – Final Summary Report Attachments

² PeoplePlus is EPA's automated online time and attendance system in which employees enter time and managers approve time through a secure web-based application.

³ The EPA OIG, in creating the spreadsheet presented to (b) (6), (b) (7)(C) was conservative in calculating the 311 hour estimate of time (b) (6), (b) (7)(C) recorded as regular time when (b) (6), (b) (7)(C) should have used leave. The EPA OIG only counted full work days of 8 or more scheduled hours. For example, the EPA OIG methodology excluded partial days where (b) (6), (b) (7)(C) appears to have arrived late or left early and did not use leave.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-ADM-0072

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

ENVIRONMENTAL PROTECTION AGENCY

CASE AGENT (if different from prepared by): (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

NARRATIVE:

On May 27, 2015, the Environmental Protection Agency (EPA), Office of Inspector General, (OIG), Office of Investigations (OI), received a complaint alleging that on numerous occasions, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA Headquarters, Washington, DC notified staff via email that (b) (6) would be out of the office on leave, but then did not record (b) (6) leave taken in PeoplePlus. On August 21, 2015, EPA OIG special agents interviewed (b) (6). During this interview, (b) (6), (b) (7) made admissions, and also provided explanations, as to why (b) (6) had why (b) (6) had recorded time away from the office in non-duty status as regular EPA work hours when (b) (6) should have been charged leave.

EPA OIG is submitting a final summary report to the EPA for this investigation. Below is a list of attachments relevant to the investigation. These files will be submitted on a CD with the final summary report.

ATTACHMENT(S)

1. May 28, 2015, Office of Inspector General Hotline Complaint 2015-234
2. (b) (6), (b) (7)(C) PeoplePlus Records for Pay Period 1, 2013 to Pay Period 22, 2015
3. August 18, 2015 Memorandum of Interview of (b) (6), (b) (7)(C)
4. August 21, 2015 signed Garrity Rights form for (b) (6), (b) (7)(C)
5. Scanned copy of documents shown to (b) (6) during 08/21/15 interview
6. Excel Table created by SA (b) (6), (b) (7) to illustrate leave emails and corresponding PeoplePlus records for (b) (6), (b) (7)(C)
7. August 21, 2015, (b) (6), (b) (7) handwritten Statement
8. August 25, 2015 Memorandum of Interview of (b) (6), (b) (7)
9. August 21, 2015 signed Garrity Rights form for (b) (6), (b) (7)(C)
10. Scanned copy of documents shown to (b) (6), during 08/21/15 interview
11. August 21, 2015, (b) (6), (b) (7) handwritten Statement

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ATTACHMENT(S)

1. May 28, 2015, Office of Inspector General Hotline Complaint 2015-234

2015-234
referral.pdf
2. (b) (6), (b) (7)(C) PeoplePlus Records for Pay Period 1, 2013 to Pay Period 22, 2015

(b) (6), (b) (7)(C)
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3. August 18, 2015 Memorandum of Interview of (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)
4. August 21, 2015 signed Garrity Rights form for (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
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5. Scanned copy of documents shown to (b) (6), (b) (7) during 08/21/15 interview

Documentsshownt
d (b) (6), (b) (7) during 8-21-15
6. Excel Table created by SA (b) (6), (b) (7)(C) to illustrate leave emails and corresponding PeoplePlus records for (b) (6), (b) (7)(C)

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7. August 21, 2015, (b) (6), (b) (7)(C) handwritten Statement

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8. August 25, 2015 Memorandum of Interview of (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) MOI -
8-21-15 - MS!
9. August 21, 2015 signed Garrity Rights form for (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
yWarning-8-21-15.p
10. Scanned copy of documents shown to (b) (6), (b) (7) during 08/21/15 interview

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11. August 21, 2015, (b) (6), (b) (7) handwritten Statement



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: December 4, 2015

PREPARED BY: RAC [REDACTED]

CASE #: OI-HQ-2015-ADM-0096

CROSS REFERENCE #: N/A

TITLE: (b) (6), (b) (7)(C) [REDACTED] GS-13

CASE CLOSING REPORT

Subject(s)	Location	Other Data
[REDACTED]	Washington, DC	N/A

VIOLATIONS:

Resource Management Directive Systems 2550B Official Travel - Section VIII EPA Appendices A

ALLEGATION:

On July 9, 2015, Assistant Inspector General for Investigations Patrick Sullivan, United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), received information that (b) (6), (b) (7)(C) [REDACTED], allegedly misused [REDACTED] government issued travel credit card. The documentation disclosed three automated cash disbursements on June 16, 2015, in the amounts of \$83, \$123, and \$163 dollars, from the Wells Fargo Bank 6011 Financial Institutions-Las Vegas NV 891190000. Preliminary information regarding (b) (6) [REDACTED] official travel indicated [REDACTED] was not on duty travel while in Las Vegas, Nevada. Further analysis of the transactions identified another questionable charge for a stay at the (b) (6), (b) (7)(C) [REDACTED] on December 13, 2012.

FINDINGS:

On July 21, 2015, (b) (6) [REDACTED] was interviewed concerning the use of [REDACTED] travel card while on non-Government travel, specifically the ATM withdrawals made in Las Vegas, NV in June 2015. (b) (6) [REDACTED] confirmed [REDACTED] was in Las Vegas on a personal vacation. (b) (6) [REDACTED] stated when [REDACTED] arrived at the airport in the evening of June 15, 2015 for (b) (6) [REDACTED] flight home, [REDACTED] learned [REDACTED] flight had been canceled. [REDACTED] was placed on stand by for a 2 am flight to Chicago, but the airline could not guarantee a connection to the Washington DC area. When the 2 am flight did not come to fruition, (b) (6) [REDACTED] was then placed on a direct flight to Dulles Airport which left at 8 am.

(b) (6), (b) (7)(C) [REDACTED] stated [REDACTED] did not have any more cash on [REDACTED] (b) (6), (b) (7)(C) [REDACTED] added [REDACTED] personal credit card, a Chase Bank card, did not allow cash advances and [REDACTED] felt it was at its maximum credit limit. (b) (6) [REDACTED] stated [REDACTED] had used up [REDACTED] ATM withdrawal limit for the day on [REDACTED] ATM card.

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(b) (6) stated [redacted] then took money out of the ATM at the airport using [redacted] government credit card. (u) (6) stated [redacted] thought [redacted] might need the money for a hotel room, transportation to and from the hotel and for meals.

(b) (6) stated when [redacted] got back in the office the next day, [redacted] told [redacted] supervisor (b) (6), (b) (7)(C) [redacted] that [redacted] had used [redacted] government credit card at the ATM for cash. (u) (6) stated [redacted] then paid the government credit card balance immediately.

On July 21, 2015, (b) (6) [redacted] was interviewed and advised [redacted] spoke to (b) (6) [redacted] upon (b) (6), (b) (7)(C) [redacted] return to the office and inquired about [redacted] trip. (b) (6) [redacted] reportedly stated [redacted] had used the Government travel card while in Vegas (on personal business). (b) (6) [redacted] advised (b) (6), (b) (7)(C) [redacted] told [redacted] [redacted] was stranded at the airport and ran out of money. When asked the amount of the cash advance obtained with the Government travel card, [redacted] reportedly replied about \$80.00. (b) (6) [redacted] stated [redacted] gave (b) (6) [redacted] "oral counseling" and told [redacted] what [redacted] did was wrong and that [redacted] should not do it again. (b) (6) [redacted] stated [redacted] was aware of one transaction but not three transactions. (b) (6) [redacted] stated [redacted] had [redacted] known there were three transactions, [redacted] would have gone a different route than the oral counseling provided for the one transaction.

Based on the questionable charge for a stay for at the (b) (6), (b) (7)(C) [redacted] on December 13, 2012, OI conducted a review of (b) (6) [redacted] travel records for the period January 1, 2012 through June 30, 2015. In addition to the questionable charge at the (b) (6), (b) (7)(C) [redacted], the review identified multiple charges for Southwest Airlines along with corresponding credits.

On October 15, 2015, (b) (6) [redacted] was interviewed relative to the results from the review of [redacted] travel records. (b) (6) [redacted] stated that [redacted] Hyatt profile had [redacted] Government credit card number linked to it. (b) (6) [redacted] stated [redacted] believed the hotel charged [redacted] Government credit card instead of [redacted] personal credit card. (b) (6) [redacted] added that [redacted] did not realize this when [redacted] checked in. [redacted] added that [redacted] frequents the hotel and it is one of [redacted] favorites in Baltimore. (u) (6) [redacted] reiterated that it was a personal trip and [redacted] was not on temporary duty (TDY). (b) (6) [redacted] stated there would have been other charges to [redacted] Government credit card at that time if [redacted] was TDY. [redacted] stated once again to the best of [redacted] recollection [redacted] was not TDY. (b) (6) [redacted] stated [redacted] had forgotten about the Hyatt charge when previously interviewed by OI. During that interview [redacted] stated [redacted] had never used [redacted] government credit card improperly before. (b) (6) [redacted] stated [redacted] forgot about the Hyatt charge until now as the conversation with the interviewing agents had refreshed [redacted] recollection.

(b) (6) [redacted] stated that [redacted] Government credit card was linked to [redacted] Southwest Airlines profile. (u) (6) [redacted] advised that [redacted] has since de-linked everything from [redacted] Government credit card.

(b) (6) [redacted] advised [redacted] informed (b) (6) [redacted] that [redacted] misused [redacted] Government credit card while in Las Vegas in June 2015. However, [redacted] did not tell [redacted] there were three separate transactions (withdrawals).

DISPOSITION:

A Management Inquiry was completed on October 30, 2015 which substantiated the allegation that (b) (6) misused government issued travel credit card. As a result, oral counseling was provided to (u) (6). A Memorandum of Counseling was prepared and dated November 17, 2015 and signed by (u) (6) on November 20, 2015. Due to the administrative nature of the allegation, this matter was not presented for criminal and/or civil prosecution/remedies. As such, this investigation will be closed at this time.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

DATE: APRIL 7, 2016

PREPARED BY: SA [REDACTED]

CASE #: OI-HQ-2015-ADM-0102

CROSS REFERENCE #:

TITLE: RICHARD LOEB, GENERAL COUNSEL, SES, U.S. CHEMICAL SAFETY AND
HAZARD BOARD

CASE CLOSING REPORT

Subject(s)	Location	Other Data
RICHARD LOEB	WASHINGTON, DC	

POTENTIAL VIOLATION(S): Title 36 CFR Chapter XII – National Archives and Records Administration, Part 1236

ALLEGATION(S): Richard Loeb (Loeb), General Counsel, U.S. Chemical Safety Board (CSB) used private, non-government email system to communicate on CSB matters and failing to preserve those communications as official government records.

FINDINGS: The allegation that Loeb used private, non-government email system to communicate on CSB matters and failed to preserve those communications as official government records is supported.

On January 22, 2015 the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) issued a Report of Investigation (ROI) concerning allegations received against (former) Chairman for the U.S. Chemical Safety and Hazard Investigation Board (CSB) Rafael Moure-Eraso, CSB General Counsel Richard Loeb (Loeb), and CSB Board Member Daniel Horowitz to the President. Specifically, with regard to Loeb, the ROI found he used private, non-government e-mail systems to communicate on CSB matters and by using this approach those communications were not preserved as official government records.

On July 9, 2015, (b) ([REDACTED]), who possessed a copy of the ROI, requested the ROI's supporting exhibits in order to assist their internal management inquiry.

On July 17, 2015, the CSB provided the EPA OIG with a copy of a memorandum dated June 16, 2015, that informed Loeb he was being placed on administrative leave pending an ongoing CSB management inquiry into his misconduct. On July 20, 2015, EPA OIG agents provided [REDACTED] with the supporting documents from the ROI.

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On December 1, 2015, Loeb retired from federal service.

DISPOSITION: Since this case has been criminally declined and there is no administrative nexus, this case is closed with no further action. However, if additional information is obtained, OI will assess such information and take appropriate action.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

DATE: MARCH 30, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-ADM-0112

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, D.C.	

VIOLATION:

EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #7: Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.

Inappropriate use of EPA issued badge and credential for personal gain.

ALLEGATION:

On May 15, 2015, the Office of Investigations (OI), Office of Inspector General (OIG), EPA initiated an investigation to determine if (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA was involved in employee misconduct in (b) (6), (b) (7)(C) position as a (b) (6), (b) (7)(C), during an altercation at (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) Monroe, GA 30656 on April 13, 2015. During this altercation, (b) (6), (b) (7)(C) allegedly used (b) (6), (b) (7)(C) credentials and badge for personal gain.

FINDINGS:

OI conducted interviews and reviewed court documents which substantiated the allegation that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) credentials and badge for personal gain on April 15, 2015.

DISPOSITION:

On June 24, 2015, the facts of the investigation were presented to Assistant United States Attorney Kimberly Easterling (AUSA Easterling), United States Attorney's Office, Northern District of Georgia, for possible criminal persecution. After being presented with the facts of the investigation, AUSA Easterling indicated (b) (5) and the AUSA's office declined prosecution.

On October 13, 2015, EPA OIG issued a Final Summary Report regarding this investigation to (b) (6), (b) (7)(C) EPA.

On November 13, 2015, (b) (6), (b) (7)(C) responded to the EPA OIG's Final Summary Report via memorandum to Patrick Sullivan, Assistant Inspector General for Investigations, Office of Inspector General. In the memorandum, (b) (6), (b) (7)(C) provided the following correction actions (b) (6), (b) (7)(C) office made in light of the discovery that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA issued credential and badge for personal gain on April 13, 2015:

- (b) (6), (b) (7)(C) was verbally counseled on October 15, 2015
- (b) (6), (b) (7)(C) received an Memorandum of Counseling on November 13, 2015

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: December 15, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-CAC-0026

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) CONTRACTOR, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, D.C.	

VIOLATION:

EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #7: Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.

ALLEGATION:

On December 23, 2014, the Office of Investigations (OI), OIG, EPA, opened a case to determine if (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA, was involved in employee misconduct, by physically assaulting (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA, while both were transiting at the Washington Metropolitan Transit Authority (WMATA)-Huntington Metro Station.

FINDINGS:

On December 23, 2014, (b) (6), (b) (7)(C) physically assaulted (b) (6), (b) (7)(C) while at the WMATA-Huntington Metro Station, lower level. The WMATA Metro Transit Police Department

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responded to the scene of the incident and later located and arrested (b) (6), (b) (7)(C) at the WMATA-Braddock Road Metro Station for Misdemeanor Assault and Battery Virginia Code Section 18.2-57.

As a result of the assault, on January 13, 2015, (b) (6), (b) (7)(C) was granted a two-year Final Protection Order, by the Fairfax County General District Court against (b) (6), (b) (7)(C). On April 8, 2015, the assault and battery case against (b) (6), (b) (7)(C) was held at the Fairfax County General District Court, where the judge found evidence sufficient to convict (b) (6), (b) (7)(C) but did not enter a guilty verdict. The judge continued the case to May 21, 2015 for sentencing, where (b) (6), (b) (7)(C) was ordered to (1) abide by the Final Protection Order, and (2) not be involved in any additional criminal allegations or misconduct for a period of one year, when the final disposition of the case will be dismissed and closed on April 21, 2016.

DISPOSITION:

On March 27, 2015, OI Special Agents presented the facts of the investigation were presented to Assistant United States Attorney Tim Flowers (AUSA Flowers), United States Attorney's Office, Eastern District of Virginia, for possible criminal prosecution. After being presented with the facts of the investigation, AUSA Flowers formally declined prosecution (b) (5), (b) (7)(E).

On October 19, 2015, EPA OIG issued a Final Summary Report regarding this investigation to (b) (6), (b) (7)(C).

EPA, an (b) (6), (b) (7)(C)

EPA.

On November 19, 2015, (b) (6), (b) (7)(C) responded to the OIG Final Summary Report via memorandum to Patrick Sullivan, Assistant Inspector General for Investigations, Office of Inspector General, EPA. In the memorandum, (b) (6), (b) (7)(C) provided the following corrective actions (b) (6), (b) (7)(C) office has made in light of the discovery that (b) (6), (b) (7)(C) physically assaulted (b) (6), (b) (7)(C).

- The agency requested that (b) (6), (b) (7)(C) receive ongoing counseling from (b) (6), (b) (7)(C) employer to increase (b) (6), (b) (7)(C) awareness of others as (b) (6), (b) (7)(C) performs (b) (6), (b) (7)(C) everyday activities.
- The agency requested that the counseling be documented in monthly reports to the Office of Administration (OA), beginning November 2015 and continuing through May 2016, at which time OA may request additional counseling for (b) (6), (b) (7)(C).

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE, NW
EPA WEST BUILDING
WASHINGTON, DC 20004

DATE: MAY 5, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-CAC-0042

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), CIVILIAN

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION(S): Unlawful entry, destruction of property, and attempted theft in the second degree.

ALLEGATIONS: Civilian entered EPA space without authorization.

FINDINGS: On March 17, 2014, the U.S. Environmental Protection Agent (EPA), Office of the Inspector General (OIG), Office of Investigations (OI), received information from Security Management Division (SMD) that an individual with no known affiliation to EPA, who was identified as (b) (6), (b) (7)(C) broke into the US EPA William Jefferson Clinton East (WJCE) building, located at 1201 Constitution Avenue NW. As background, prior to the incident at the EPA facility, (b) (6), was reportedly seen nude and running away from the Metropolitan Police (MPDC).¹ The information obtained from SMD revealed that

A review of FPS' incident report regarding this matter revealed that (b) (6), gained entry into the facility by breaking a window, and was subsequently located in room 7524E, where he was lying on a couch wearing an EPA vest and a towel wrapped around his waist. The incident report also revealed that (b) (6), admitted to (b) (6), (b) (6), (b) (7), FPS that he took the garments he was wearing from an office located adjacent to the office space where he was located.

Due to the conditions in which (b) (6), was found as well as his involvement with MPDC, subsequent to his arrest, he was transported to the District of Columbia Comprehensive Psychiatric Emergency Program (CPEP). After his release from CPEP, (b) (6), was processed at (b) (7).

¹ Federal Protective Service (FPS) officers led the investigation which was initiated on the aforementioned date at approximately 2015 hours, which is after normal working hours for an immediate EPA OIG response.

the MPDC First District Station and charged with unlawful entry, destruction of property, and attempted theft in the second degree.

DISPOSITION: On March 23, 2015, the EPA's Security Management Division issued a bar notice. As noted FPS was first response and lead on the criminal prosecution. No further action at this time, but will coordinate with FPS as necessary if additional facts arise.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

DATE: APRIL 28, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-CAC-0067

CROSS REFERENCE #: COMP-2015-0109

TITLE: (b) (6), (b) (7)(C) NON-EPA EMPLOYEE

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C), NON-EPA EMPLOYEE	WASHINGTON, D.C.	

VIOLATION:

18 U.S.C. § 875: Threats made through Interstate Communications

DC Code § 22-407: Threats to do bodily harm

DC Code § 22-1810: Threatening to kidnap or injure a person or damage his property

ALLEGATION:

On April 17, 2015, the Office of Professional Responsibility (OPR), Office of Investigations, Office of Inspector General (OIG), Environmental Protection Agency (EPA), received an EPA Office of Inspector General Hotline complaint alleging that an unknown male made harassing and sexually explicit telephonic threats to an EPA employee on their desk telephone via a blocked telephone number.

FINDINGS:

On May 1, 2015, OIG Special Agents interviewed the EPA employee who received the harassing and sexually explicit telephone calls from an unknown male. During the interview, the EPA employee provided OIG Special Agents with a detailed log they created which identified the dates and times they received the telephone calls.

OIG Special Agents subpoenaed the EPA landline telephone service provider, AT&T, to receive the call log of the EPA employee's desk phone number, (b) (6), (b) (7). Through investigative action, the investigating Special Agent identified two numbers that placed the calls to the EPA employee's telephone number as (b) (6), (b) (7) (T-Mobile) and (b) (6), (b) (7) (Comcast).

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OIG Special Agents subpoenaed T-Mobile and Comcast to receive subscriber information and call logs for the two telephone numbers identified. Based on the information received from T-Mobile and Comcast, OIG Special Agents identified (b) (6), (b) (7)(C) as the owner of the T-Mobile number and possibly associated with the Comcast number. OIG Special Agents also identified additional EPA telephone numbers called, which originated from the T-Mobile and Comcast numbers.

On March 1, 2016 during an interview with OIG Special Agents, (b) (6), (b) (7)(C) denied making the harassing telephone calls, but (b) (6), (b) (7)(C) did admit that (b) (6), (b) (7)(C) owned cellular telephone number (b) (6), (b) (7)(C), which is where the calls originated. (b) (6), (b) (7)(C) also confirmed that the second telephone line (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) mother's landline; and, that (b) (6), (b) (7)(C) had access to that landline. Finally, (b) (6), (b) (7)(C) confirmed (b) (6), (b) (7)(C) had been a (b) (6), (b) (7)(C) employee and worked at EPA headquarters during the 2009-2010 timeframe. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) believed there may have been an issue with (b) (6), (b) (7)(C) cellular telephone, or with T-Mobile (b) (6), (b) (7)(C) cellular telephone subscriber.

DISPOSITION:

On March 2, 2016, the facts of the case were presented to the United States Attorney's Office (USAO), District of Columbia, for potential criminal violations of 18 U.S.C. § 875: Threats made through Interstate Communications; DC Code § 22-407: Threats to do bodily harm; and DC Code § 22-1810: Threatening to kidnap or injure a person or damage his/her property. After being presented with the facts of the investigation, the USAO declined prosecution of (b) (6), (b) (7)(C), due to (b) (5).

On March 4, 2016, the Security Management Division, Office of Administration and Resources Management, EPA issued an indefinite Bar Notice (Special Order No. B-03-04-2016) for (b) (6), (b) (7)(C). Also on March 4, 2016, the Information Technology Specialist, VOIP Team, EPA blocked all numbers associated with (b) (6), (b) (7)(C) from calling the EPA employees telephones.

On April 26, 2016, the EPA OIG issued a referral document for this investigation to (b) (6), (b) (7)(C) PA.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure. However, if additional information is discovered, or if provided by an outside source, OI will assess such information and take appropriate action.

¹ (b) (6), (b) (7)(C) is the contracting company that provides (b) (6), (b) (7)(C) services for the EPA headquarters facilities.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: MARCH 31, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-CAC-0077

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C); GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	WASHINGTON, DC	

POTENTIAL VIOLATION(S): 18 U.S.C. § 1001 – Statements or entries generally (false statements)

ALLEGATION(S): (b) (6), (b) (7)(C) falsely claimed (b) (6) had received a degree from the University (b) (6), (b) (7)(C) on (b) (6) SF-85p signed May 2008.

FINDINGS: (b) (6) had completed all the requirements to earn a degree from (b) (6), (b) (7)(C) s after the fall semester of 1997, however, due to an administrative requirement, (b) (6) was not officially awarded a degree until August 5, 2011.

On June 3, 2015, (b) (6), (b) (7)(C) (b) (6) provided EPA, Office of Inspector General (OIG), Office of Investigations (OI) with a copy of (b) (6), (b) (7)(C) SF-85P (Background Investigation Form). A review of this form shows that in section 10, (b) (6) indicated that (b) (6) was awarded a degree from (b) (6) in 05/1998.

On June 9, 2015, EPA OIG agents met with the (b) (6), Office of Registrar (OAR) regarding (b) (6), status at (b) (6). The (b) (6) OAR informed EPA OIG agents that (b) (6) met all the requirements for (b) (6) degree program at the end of the fall semester in 1997 but was not official awarded a degree until August 05, 2011 due to an administrative requirement that students proactively apply to graduate. The OAR surmised that for unknown reasons, (b) (6) did not apply to graduate until approximately August, 2011.

DISPOSITION: This case is closed with no further action. However, if additional information is obtained, OI will assess such information and take appropriate action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

JUN 02 2016

MEMORANDUM

SUBJECT:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

FROM:

for *Harry W. Helmer*
Patrick Sullivan, Assistant Inspector General for Investigations

TO:

(b) (6), (b) (7)(C) Director (Acting), (b) (6), (b) (7)(C)

REFERENCE:

OIG Case No. OI-HQ-2016-ADM-0007
OIG Case No. OI-HQ-2015-CAC-0090

RESTRICTED INFORMATION

The U.S. Environmental Protection Agency (EPA), Office of Inspector General initiated these investigations based on information received and developed regarding allegations of employee misconduct by (b) (6), (b) (7)(C)

EPA.

The enclosed report of investigation related to (b) (6) details five allegations of misconduct that were investigated by the OIG. Of the five allegations, two were found to be supported, two were found to be not supported, and one was found to be inconclusive. In addition to the five allegations, the OIG identified five discrepancies concerning (b) (6), (b) (7)(C) statements which are set forth in the attached report of investigation.

The enclosed report of investigation related to (b) (6) details four allegations of misconduct that were investigated by the OIG. Of the four allegations, one was found to be supported and three were found to be not supported.

My office is taking no further investigatory action in these matters; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of receipt of these reports of investigation the administrative action taken or proposed by you in this matter, if any. This report of investigation is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

ATTACHMENTS:

1. Report of Investigation OI-HQ-2016-ADM-0007
2. Report of Investigation OI-HQ-2015-CAC-0090



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

[REDACTED] EPA
OI-HQ-2015-CAC-0090

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Distribution:

Submitted by:

(b) (6), (b) (7)(C)

Acting Director

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(With Attachments)

(b) (6), (b) (7)(C)

Director

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

(Without Attachments – Information Only)

(b) (6), (b) (7)(C)

Associate General Counsel
Office of General Counsel

Patrick W. Sullivan
Patrick Sullivan
Assistant Inspector General
Office of Investigations

(Without Attachments – Information Only)

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OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-HQ-2015-CAC-0090	DATE OPENED:	07/09/2015
CASE TITLE:	(b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA	CASE AGENT(s):	
CASE CATEGORY:	EMPLOYEE MISCONDUCT	OFFICE:	OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SECTION A – NARRATIVE

Introduction:

On July 7, 2015, the Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), Hotline received a complaint alleging (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA, lied about an injury sustained during a bar fight that occurred on (b) (6), (b) (7)(C) 2015, during a personal trip to (b) (6), (b) (7)(C). Allegedly, (b) (6) traveled to (b) (6), (b) (7)(C) with (b) (6), EPA, while (b) (6) was traveling on official duty in a government-owned vehicle (GOV). (b) (6) traveled in the GOV with (b) (6) without prior approval from management. Based upon a review of the complaint, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following four (4) allegations:

1. (b) (6) traveled in an off-duty status as a passenger in the GOV being utilized by (b) (6).
2. (b) (6) made false statements during interviews with OIG Special Agents, regarding how sustained a head injury on (b) (6), (b) (7)(C) 2015, while was in (b) (6), (b) (7)(C).
3. (b) (6) was involved in a physical altercation that resulted in serious injuries to face and head.
4. (b) (6) improperly secured issued duty weapon.

Possible Violation(s):

1. EPA (b) (6), (b) (7)(C) Policy Number - (b) (6), (b) (7)(C) -P-006, (b) (6), (b) (7)(C) Conduct Policy: Use of Government Owned Vehicles, sub-section 3.2
2. 18 U.S.C. § 1001(a) – False Statements

Impact/Dollar Loss:

The non-adherence to Government-wide regulations and EPA policy could diminish the public trust, the integrity of the office, and program functionality.

Synopsis:

Based on admissions and information developed during this investigation, allegation one (1) is supported. Allegations two (2) through four (4) are not supported.

Details

Investigation Disclosed Allegations Supported:

Allegation 1: (b) (6) traveled in an off-duty status as a passenger in a (b) (6) GOV being utilized by (b) (6).

Allegation 1 Finding: There is sufficient evidence to support a finding that (b) (6) traveled in an off-duty status as a passenger in a (b) (6) GOV. Specifically, (b) (6) traveled with (b) (6) in a (b) (6) GOV from Washington, DC to (b) (6), (b) (7)(C), making an overnight stop in (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), on (b) (6), (b) (7)(C) 2015.

Allegation 1 Investigative Results:

(b) (6), (b) (7)(C) Government Owned Vehicle Policy prohibits the following use of a GOV:

“To transport any person not engaged in the conduct of official business or not otherwise being transported in the interest of the federal government.” (Exhibit 1)

On August 7, 2015, OIG Special Agents interviewed (b) (6) who was asked how (b) (6) traveled to (b) (6), (b) (7)(C), specifically, (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2015 (b) (6) stated (b) (6) drove to (b) (6), (b) (7)(C) in the (b) (6) GOV being utilized by (b) (6). The purpose of the side trip was to visit (b) (6) and (b) (6), who were in the (b) (6), (b) (7)(C) area to play golf. (Exhibit 2)

¹ (b) (6), (b) (7)(C) is located approximately 15 miles from (b) (6), (b) (7)(C) [https://www.mapquest.com/search/results?page=0¢erOnResults=\(b\) \(6\), \(b\) \(7\)\(C\)](https://www.mapquest.com/search/results?page=0¢erOnResults=(b) (6), (b) (7)(C))

On October 13, 2015, during a deposition taken for a Merit Systems Protection Board (MSPB) matter, (b) (6) testified the following information concerning the fact that (b) (6) drove a GOV to (b) (6), (b) (7)(C) :

Q
A
Q
A
Q
A
Q
A
Q
A
Q
A
Q
A
Q

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

. . .

A
A
Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

On January 6, 2016, during a recorded interview with OIG Special Agents, (b) (6), (b) (7)(C) stated:

Q
A
Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6) was asked if (b) (6) drove a GOV to (b) (6), (b) (7)(C), and if (b) (6) rode in the vehicle while (b) (6) was in an off duty status. (b) (6), (b) (7)(C) stated:

Q
A
Q
A

(b) (6), (b) (7)(C)

...

A
Q
A
Q
A

(b) (6), (b) (7)(C)

...

Q
A
Q
A

(b) (6), (b) (7)(C)

Q
A
Q
A

Investigation Disclosed Allegations Not Supported:

Allegation 2: (b) (6), (b) (7)(C) made false statements during interviews with OIG Special Agents regarding how (b) (6), (b) (7)(C) sustained a head injury on (b) (6), (b) (7)(C) 2015, while (b) (6), (b) (7)(C) was in the (b) (6), (b) (7)(C) area.

Allegation 2 Findings: Not supported. The evidence did not support a finding that (b) (6) made false statements during interviews with OIG Special Agents.

Allegation 2 Investigative Results:

On August 7, 2015, during an interview with OIG Special Agents, (b) (6) stated (b) (6) has no recollection of the events that occurred around the time (b) (6) was dining at the (b) (6), (b) (7)(C) restaurant, to include when (b) (6) left the restaurant, on (b) (6), (b) (7)(C) 2015. (Exhibit 2)

On January 6, 2016, during a recorded interview with OIG Special Agents, (b) (6) stated the following information concerning the injury to (b) (6) head and face:

Q
A

(b) (6), (b) (7)(C)

On July 30, 2015, during an interview with OIG Special Agents, (b) (6) stated (b) (6) did not know how (b) (6) was injured around the time (b) (6) was dining at the (b) (6), (b) (7)(C) restaurant on (b) (6), (b) (7)(C), 2015. (b) (6) also stated (b) (6) was asked by (b) (6) EPA, to provide a written statement via email, describing (b) (6) knowledge of the circumstances surrounding (b) (6) injury. (b) (6) complied with (b) (6) request and stated in the email that (b) (6) did not know how (b) (6) was injured. (Exhibit 6)

On August 6, 2015, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) EPA, stated (b) (6) is a personal friend of (b) (6) and has had discussions with (b) (6) regarding (b) (6) injury. (b) (6) stated during those conversations, (b) (6) told (b) (6) had no idea how (b) (6) was injured. (Exhibit 7)

Allegation 3: (b) (6) was involved in a physical altercation that resulted in serious injuries to (b) (6) face and head.

Allegation 3 Findings: Not supported. The evidence did not support a finding that (b) (6) was involved in a physical altercation, resulting in serious injuries to (b) (6) face and head.

Allegation 3 Investigative Results:

On January 6, 2016 during an interview with OIG Special Agents, (b) (6) was asked if (b) (6) sustained the injuries to (b) (6) face and head during a fight (b) (6) stated:

Q
A

(b) (6), (b) (7)(C)

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6) was asked if (b) (6) had any knowledge as to whether (b) (6) sustained the injuries to (b) (6) head and face during a fight. (b) (6) stated:

Q
A

(b) (6), (b) (7)(C)

Q
A
Q
A

(b) (6), (b) (7)(C)

On August 5, 2015 OIG Special Agents requested (b) (6), (b) (7)(C), (b) (5), (b) queries returned negative results.

On August 5, 2015, OIG Special Agents contacted the following (b) (6), (b) (7)(C) (5)

(b) (6), (b) (7)(C) (5)
It reported no incidents concerning (b) (6)

(Exhibit 8)

Allegation 4: (b) (6) improperly secured (b) (6) issued duty weapon.

Allegation 4 Findings: Not supported. The evidence did not support a finding that (b) (6) stored (b) (6) issued duty weapon in a manner that was inconsistent with (b) (6) Policy.

Allegation 4 Investigative Results:

On January 6, 2016, during a recorded interview with OIG Special Agents, (b) (6) stated the following concerning how (b) (6) issued duty weapon, as well as (b) (6) issued duty weapon were secured on the evening of (b) (6), (b) (7)(C), 2015:

Q
A
Q
A

(b) (6), (b) (7)(C)

Q
A
Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6) was asked about how (b) (6) and (b) (6) stored their (b) (6) issued weapons before dining at the (b) (6), (b) (7)(C) restaurant on (b) (6), (b) (7)(C) 2015, with (b) (6)

Q
A

Q
A

Q
A
Q
A

(b) (6), (b) (7)(C)

Disposition:

This Report of Investigation is being referred to [REDACTED]
EPA for administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person:
Title & Company:

[REDACTED]

Role:

Subject

Business Address:

(b) (6), (b) (7)(C)

[REDACTED]

Business Phone:

(b) (6), (b) (7)(C)

EPA Employee:

Yes

SECTION C – PROSECUTION STATUS

On October 22, 2015, the EPA OIG consulted with the United States Attorney's Office (USAO) for the District of Columbia, Fraud and Public Corruption Section, regarding the stated allegations for potential violations of 18 U.S.C. § 1001(a). The USAO declined prosecution based (b) (5), (b) (7)(E) (b) (5)

EXHIBITS

EXHIBIT	DESCRIPTION
1.	(b) (6), (b) (7)(C) Vehicle Policy. Policy title: Government-Owned Vehicles, Policy Number: (b) (6), (b) (7)(C) -P-006
2.	Memorandum of Interview for (b) (6), (b) (7)(C), dated August 7, 2015 - With Attachments
3.	Deposition Transcript of (b) (6), (b) (7)(C) for MSPB matter, dated October 13, 2015
4.	Transcript of Interview for (b) (6), (b) (7)(C) Interview number 2, dated January 6, 2016
5.	Transcript of Interview for (b) (6), (b) (7)(C) Interview number 2, dated October 21, 2015
6.	Memorandum of Interview for (b) (6), (b) (7)(C) Interview number 1, dated July 30, 2015
7.	Memorandum of Interview for (b) (6), (b) (7)(C) dated August 6, 2015
8.	Memorandum of Activity for contacting (b) (7)(E), (b) (5) (b) (6), (b) (7)(C), dated August 5, 2015

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C)

EPA

OI-HQ-2016-ADM-0007

JUN 02 2016

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Acting Director

(b) (6), (b) (7)(C)

(With Attachments)

(b) (6), (b) (7)(C)

Director

(b) (6), (b) (7)(C)

(Without Attachments – Information Only)

(b) (6), (b) (7)(C)

Associate General Counsel
Office of General Counsel
(Without Attachments)

Submitted by:

(b) (6), (b) (7)(C)

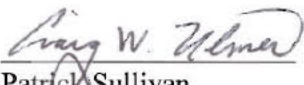
Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

for 
Patrick W. Sullivan
Assistant Inspector General
Office of Investigations

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**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

CASE NO.:	OI-HQ-2016-ADM-0007	DATE OPENED:	10/20/2015
CASE TITLE:	(b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C) EPA (b) (6)	CASE AGENT(s):	(b) (6), (b) (7)(C)
CASE CATEGORY:	EMPLOYEE MISCONDUCT	OFFICE:	OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SECTION A - NARRATIVE

Introduction:

On July 7, 2015, the Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), Hotline received a complaint with allegations of employee misconduct concerning (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

EPA. The complaint also alleged that (b) (6), (b) (7)(C) EPA engaged in a cover up related to injuries (b) (6), (b) (7)(C) suffered in (b) (6), (b) (7)(C) on a trip the (b) (6), (b) (7)(C) were on together. (b) (6), (b) (7)(C) was interviewed during the course of the OIG investigation of (b) (6), (b) (7)(C)

On October 20, 2015, the OIG initiated an investigation on (b) (6), (b) (7)(C) after discovering inconsistencies concerning (b) (6), (b) (7)(C) actions related to the events surrounding (b) (6), (b) (7)(C) injury. Based upon a review of (b) (6), (b) (7)(C) case, as well as additional information independently obtained during the course this investigation, the OIG identified and investigated the following five (5) allegations:

1. (b) (6), (b) (7)(C) used a (b) (6), (b) (7)(C) Government Owned Vehicle (GOV) in a manner contrary to (b) (6), (b) (7)(C) policy by allowing a passenger (b) (6), (b) (7)(C), who was not on official (b) (6), (b) (7)(C) duty, to travel in the vehicle.
2. (b) (6), (b) (7)(C) took an entire trip, using a GOV, without authorization or an approved travel authorization, and, (b) (6), (b) (7)(C) never submitted a corresponding travel voucher (b) (6), (b) (7)(C) trip, during which (b) (6), (b) (7)(C) transported (b) (6), (b) (7)(C) radio equipment, went from (b) (6), (b) (7)(C) duty station, to (b) (6), (b) (7)(C), to the (b) (6), (b) (7)(C), then to (b) (6), (b) (7)(C), where (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C), and ultimately back to (b) (6), (b) (7)(C).

¹ Investigation concerning (b) (6), (b) (7)(C) will be addressed in a separate ROI.

3. (b) (6), (b) (7)(C) was involved in, or a witness to, an altercation that caused (b) (6), (b) (7)(C) to sustain an injury to (b) (6), (b) (7)(C) face and head.
4. (b) (6), (b) (7)(C) improperly secured officially issued law enforcement equipment, to include (b) (6), (b) (7)(C) duty weapon, during (b) (6), (b) (7)(C) stay at (b) (6), (b) (7)(C).
5. The GOV used by (b) (6), (b) (7)(C) on a regular basis incurred damage, to include a stolen tailgate, while in (b) (6), (b) (7)(C) control and (b) (6), (b) (7)(C) did not provide notification in accordance with applicable policy.

In addition to the foregoing allegations, the OIG identified the following discrepancies concerning (b) (6), (b) (7)(C) statements. These discrepancies are discussed within this Report of Investigation after the supported, not supported, and inconclusive findings section and are as follows:

1. (b) (6), (b) (7)(C) gave a differing accounts concerning whether (b) (6), (b) (7)(C) drove the GOV after consuming alcohol on the evening of (b) (6), (b) (7)(C) 2015.
2. (b) (6), (b) (7)(C) provided differing accounts as to where (b) (6), (b) (7)(C) parked the GOV upon (b) (6), (b) (7)(C) arrival in (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) "dumped" the GOV in an lot upon arrival; (b) (6), (b) (7)(C) parked the GOV at the (b) (6), (b) (7)(C) which is where (b) (6), (b) (7)(C) was staying; and (b) (6), (b) (7)(C) parked the GOV at the Hampton Inn, which was the hotel (b) (6), (b) (7)(C) reserved.
3. (b) (6), (b) (7)(C) provided differing accounts as to where (b) (6), (b) (7)(C) secured the (b) (6), (b) (7)(C) law enforcement gear (b) (6), (b) (7)(C) was transporting, which included approximately (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) first stated (b) (6), (b) (7)(C) left the equipment in the GOV in a parking lot; (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) secured the (b) (6), (b) (7)(C); and (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) secured the gear at the Hampton Inn.
4. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) spent the night of (b) (6), (b) (7)(C) 2015, at the (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) hotel room. (b) (6), (b) (7)(C) account contradicts (b) (6), (b) (7)(C) statement which is that they both spent that night together at the Hampton Inn.
5. (b) (6), (b) (7)(C) gave differing accounts regarding checking into the Hampton Inn on (b) (6), (b) (7)(C) 2015. (b) (6), (b) (7)(C) first stated (b) (6), (b) (7)(C) did not reserve or check into the Hampton Inn until after (b) (6), (b) (7)(C) found (b) (6), (b) (7)(C) injured, which was in the evening after (b) (6), (b) (7)(C) had gone out for dinner and drinks. (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) booked the Hampton Inn after (b) (6), (b) (7)(C) initial arrival in (b) (6), (b) (7)(C) upon seeing that the parking lot at (b) (6), (b) (7)(C) hotel would not accommodate the GOV (b) (6), (b) (7)(C) was driving.

Possible violation(s):

1. 18 U.S.C. § 1001(a) – Statements or entries generally – False statements
2. 31 U.S.C. 638a(c)(2) – Official Use of Government Owned Vehicles
3. EPA's Appendix-Guidance on Corrective Discipline, EPA ORDER 3120.1: (2) Breach of safety regulations or practices; (4) Offenses related to intoxicants; (16) Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding.
4. EPA (b) (6), (b) (7)(C) Policy Number - (b) (6), (b) (7)(C) -P-003, (b) (6), (b) (7)(C) Conduct Policy: Section XI - Use of Government Property or Other Resources; Section XII - General Employee Responsibilities (b) (6), (b) (7)(C) Certain conduct, whether on or off-duty, will subject an employee to disciplinary action.

Impact/Dollar Loss:

The non-adherence to Government-wide regulations and EPA policy could diminish the public trust, the integrity of the office, and program functionality.

Details:

Investigation Disclosed Allegations Supported:

Allegation 1: (b) (6), (b) (7)(C) used a GOV in a manner contrary to (b) (6), (b) (7)(C) policy by allowing a passenger (b) (6)(b) (6), (b) (7)(C), who was not on official (b) (6) duty, to travel in the vehicle.

Allegation 1 Findings: There is sufficient evidence to support a finding that (b) (6)(b) (6), (b) (7) used a GOV in a manner contrary to (b) (6), (b) (7)(C) policy by allowing (b) (6)(b) (6), (b) (7)(C) who was off-duty, to travel in the GOV (b) (6)(b) (6), (b) (7) was using.

Allegation 1 Investigative Results:

- (b) (6), (b) (7)(C) Policy: Government-Owned Vehicles, (b) (6), (b) (7)(C) -P-006, Section 3.2(b) Prohibited Uses of GOV:
2. To attend to personal business, except as authorized above.
 3. To transport members of their family, friends, or other persons who are not conducting official business (except as provided in 10 above).
 7. To transport any person not engaged in the conduct of official business or not otherwise being transported in the interest of the federal government. (Exhibit 1)

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6)(b) (6), (b) (7) stated the following concerning (b) (6) use of a GOV and (b) (6) allowing (b) (6)(b) (6), (b) (7) to ride in the vehicle in an off duty status:

Q (b) (6), (b) (7)(C)
A (b) (6), (b) (7)(C)
Q (b) (6), (b) (7)(C)
A (b) (6), (b) (7)(C)
A (b) (6), (b) (7)(C)

...

A (b) (6), (b) (7)(C)
Q (b) (6), (b) (7)(C)
A (b) (6), (b) (7)(C)
Q (b) (6), (b) (7)(C)

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A (b) (6), (b) (7)(C)

...

Q (b) (6), (b) (7)(C)
A
Q
A (b) (6), (b) (7)(C)
Q
A (b) (6), (b) (7)(C)
Q
A (b) (6), (b) (7)(C)

On March 8, 2016, in a recorded interview with OIG Special Agents, (b) (6), (b) (7)(C) stated the following regarding (b) (6), (b) (7)(C) who was in an off duty status, riding in a GOV operated by (b) (6), (b) (7)(C).

Q (b) (6), (b) (7)(C)
A
Q
A

On August 7, 2015, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) drove (b) (6) down to (b) (6), (b) (7)(C) to visit (b) (6), (b) (7)(C), who was there to play golf. (Exhibit 4)

On October 13, 2015, during a deposition taken for a Merit Systems Protection Board (MSPB) matter, (b) (6), (b) (7)(C) answered questions under oath. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was driving a GOV on the trip to (b) (6), (b) (7)(C).

Q (b) (6), (b) (7)(C)
A
Q
A
Q (b) (6)
A (b) (6)
Q (b) (6)
A (b) (6)

. . .

Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)

Allegation 2: (b) (6), (b) (7)(C) took an entire trip, using a GOV, without authorization or an approved travel authorization, and (b) (6), (b) (7)(C) never submitted a corresponding travel voucher. (b) (6), (b) (7)(C) trip, during which (b) (6), (b) (7)(C) transported (b) (6), (b) (7)(C) radio equipment, went from (b) (6), (b) (7)(C) duty station, to (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C), then to (b) (6), (b) (7)(C), where (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C) and ultimately back to (b) (6), (b) (7)(C).

Allegation 2 Finding: There is sufficient evidence to support a finding that (b) (6), (b) (7)(C) took an entire trip, using a GOV, without authorization or an approved travel authorization, and (b) (6), (b) (7)(C) never submitted a corresponding travel voucher. (b) (6), (b) (7)(C) trip, during which (b) (6), (b) (7)(C) transported (b) (6), (b) (7)(C) radio equipment, went from (b) (6), (b) (7)(C) duty station, to (b) (6), (b) (7)(C), to the (b) (6), (b) (7)(C), then to (b) (6), (b) (7)(C), where (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C), and ultimately back to (b) (6), (b) (7)(C).

Allegation 2 Investigative Results:

On October 21, 2015, in a recorded interview with (b) (6), (b) (7)(C) Special Agents, (b) (6), (b) (7)(C) stated the following concerning the details surrounding (b) (6), (b) (7)(C) Travel Authorization and lack of a corresponding Travel Voucher for official travel to (b) (6), (b) (7)(C):

A
Q
A

(b) (6), (b) (7)(C)

. . .

A
Q

(b) (6), (b) (7)(C)

² A MapQuest comparison of the direct route from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), and the deviated route taken by (b) (6), (b) (7)(C) to facilitate a personal visit to (b) (6), (b) (7)(C), show a 2 hour time difference and a difference of 53.5 miles.

A

(b) (6), (b) (7)(C)

. . .

A

(b) (6), (b) (7)(C)

Q

A

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6)

Q

A

Q

A

Q

On (b) (6), (b) (7)(C) 2015, (b) (6)(b) (6), created a Travel Authorization for a work trip from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), back to (b) (6), (b) (7)(C), covering the dates of (b) (6), (b) (7)(C). To facilitate a visit with (b) (6), (b) (6)(b) (6), diverted (b) travel to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2015, and arrived in (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015. Additionally, the Travel Authorization was never approved. (Exhibit 6)

On October 26, 2015, (b) (6)(b) (6), sent an email containing "clarifications" regarding the diversion to (b) (6), (b) (7)(C). In the email (b) (6)(b) (6), stated:

(b) (6), (b) (7)(C)

(b) (6) (b) (6) (b) (6)

(b) (6)

(Exhibit 7)

On March 8, 2016, in a recorded interview with OIG Special Agents (b) (6)(b) (6), stated the following concerning altering (b) travel and incorporating a visit with (b) (6), at (b) (6), (b) (7)(C):

Q

(b) (6), (b) (7)(C)

A (b) (6), (b) (7)(C)

On October 21, 2015, during an interview with OIG Special Agents, (b) (6)(b) (6), (b) (7) stated the following regarding (b) Travel Authorization that was not approved, for the trip that included the evening of (b) (6), (b) (7)(6) 2015.

Q
A

(b) (6), (b) (7)(C), (b) (7)(C), (b) (6), (b) (7)(C)

Q
A

Q
A

Q

On November 2, 2015, during an interview with OIG Special Agents, (b) (6), (b) (7)(C), who is (b) (6)(b) (6), (b) (7)(C) stated the decision for (b) (6)(b) (6), and (b) (6)(b) (6), to stop and meet with (b) (6), (b) (7)(C) (b) (6), was a "spur of the moment thing." (b) (6)(b) (6), added that (b) (6) and (b) (6)(b) (6), talked about meeting in (b) (6), (b) (7)(C), and made plans for the meeting the day before on (b) (6)(b) (6), (b) (7)(C), 2015. During this discussion, (b) (6)(b) (6), mentioned that (b) (6)(b) (6), would be coming along on the trip. (Exhibit 8)

On November 4, 2015, during an interview with OIG Special Agents, (b) (6)(b) (6), (b) (7)(C) (b) (6) EPA, stated that (b) (6)(b) (6), traveling on an unapproved Travel Authorization, is not normal (b) (6) operating procedure and is not an allowed practice. (Exhibit 9)

Investigation Disclosed Allegations Unsupported:

Allegation 3: (b) (6)(b) (6), (b) (7)(C) was involved in, or a witness to, an altercation that caused (b) (6)(b) (6), (b) (7)(C) to sustain an injury to (b) (6)(b) (6), (b) (7)(C) face and head.

Allegation 3 Findings: Not supported. The evidence did not support a finding that (b) (6)(b) (6), (b) (7)(C) was involved in, or witnessed, an altercation that led to the injuries sustained by (b) (6)(b) (6), (b) (7)(C).

Allegation 3 Investigative Results:

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6)(b) (6), (b) (7)(C) stated the following regarding (b) (6) knowledge of (b) (6)(b) (6), (b) (7)(C) sustaining (b) (6) injuries in a physical altercation:

Q (b) (6), (b) (7)(C)

A
Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)
(b) (6),
(b) (7)

On March 8, 2016, in a recorded interview with OIG Special Agents, (b) (6), (b) (7) stated the following concerning (b) (6) knowledge of how (b) (6), (b) (7)(C) sustained (b) (6) injuries:

Q
A
Q
A

(b) (6), (b) (7)(C)
(b) (6)
(b) (6)

On January 6, 2016, in a recorded interview with OIG Special Agents, (b) (6), (b) (7) stated the following regarding whether or not (b) (6) sustained the injuries to (b) (6) head and face during a physical altercation:

Q
A

(b) (6), (b) (7)(C)

Allegation 4: (b) (6), (b) (7) improperly secured officially issued law enforcement equipment, to include (b) (6) duty weapon, during (b) (6) stay at (b) (6), (b) (7)(C).

Allegation 4 Findings: Not supported. The evidence does not support a finding that (b) (6), (b) (7) stored (b) (6), (b) (7)(C) EPA (b) (6) issued duty weapon in a manner inconsistent with (b) (6), (b) (7)(C) Policy.

Allegation 4 Investigative Results:

On October 21, 2015, during a recorded interview with OIG Special Agents, (b) (6), (b) (7) stated the following concerning how (b) (6) secured (b) (6), (b) (7) issued weapon on the evening of (b) (6), (b) (7)(C):

Q
A
Q
A
Q
A
Q
A
Q

(b) (6), (b) (7)(C)

A (b) (6), (b) (7)(C)

On March 8, 2016, in a recorded interview with OIG Special Agents, (b) (6)(b) (6), stated the following, regarding how (b) (6), issued weapon was secured on the evening of (b) (6)(b) (7)(C) 2015, before (b) and (b) (6)(b) (6), (b) (7) went to multiple dining establishments for dinner and drinks: (b) (6)

Q
A
Q
A
Q
A

(b) (6), (b) (7)(C)

(b) (6)

On January 6, 2016, in a recorded interview with OIG Special Agents, (b) (6)(b) (6), stated the following regarding how (b) (6), issued weapon was secured on the evening of (b) (6), (b) (7)(C) 2015, before (b) and (b) (6)(b) (6), (b) (7) went to multiple dining establishments for dinner and drinks: (b) (6)

Q
A
Q
A
Q
A
Q
A
Q
A
Q

(b) (6), (b) (7)(C)

(b) (6) (b) (6)

A (b) (6), (b) (7)(C)

On October 26, 2015, (b) (6), (b) (7)(C) sent an email containing "clarifications" to (b) (6) version of events after (b) (6) interview with OIG special agents that took place on October 21, 2015. In the email (b) (6), (b) (7)(C) stated:

(b) (6), (b) (7)(C)

Investigation Disclosed Allegation Inconclusive:

Allegation 5: The GOV used by (b) (6), (b) (7)(C) on a regular basis incurred damage, to include a stolen tailgate, while in (b) (6), (b) (7)(C) control and (b) (6) did not provide notification in accordance with applicable policy.

Allegation 5 Findings: The allegation (b) (6), (b) (7)(C) did not report damage to the GOV that (b) (6) used on a regular basis is inconclusive. Although (b) (6), (b) (7)(C) never completed the requisite Accident or Incident Reports, (b) (6) also states (b) (6) notified (b) (6), (b) (7)(C) supervisor of damage done to the truck.

Allegation 1 Investigative Results:

On March 8, 2016, during a recorded interview with OIG Special Agents, (b) (6), (b) (7)(C) stated the following regarding the missing tailgate³ on the (b) (6), (b) (7)(C) that (b) (6) used on a regular basis.

Q (b) (6), (b) (7)(C)

A (b) (6), (b) (7)(C)

Q (b) (6), (b) (7)(C)

A (b) (6), (b) (7)(C)

Q (b) (6), (b) (7)(C)

A (b) (6), (b) (7)(C)

Q (b) (6), (b) (7)(C)

³ In addition to the missing tailgate on the (b) (6), there was additional damage to the truck that was unreported by (b) (6), (b) (7)(C), which includes dents and scratches. Photographs of the damage to the (b) (6) are attached as Exhibit 4

A

Q

A

Q

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Policy: Government-Owned Vehicles, (b) (6), (b) (7)(C) -P-006, Section 3.2(h)(iv) Reporting Theft: Employees must immediately report the theft of a GOV, its contents, and/or lost or stolen fuel cards, tags and/or keys to:

1. The local law enforcement agency;
2. The immediate supervisor;
3. The FMC when it is a GSA Fleet vehicle;
4. The Federal Protective Service when the theft of a leased or rental vehicle occurs on federal property; and
5. The relevant contractor, when it is a GOV leased or rented from any contractor other than GSA. (Exhibit 1)

On December 23, 2015, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) EPA, stated that at an all hands training in (b) (6), (b) (7)(C) (b) (6) noticed that the tailgate on the (b) (6) GOV (b) (6), (b) (7)(C) being driven by (b) (6)(b) (6), (b) (6) was missing. When (b) (6)(b) (6), (b) (6) questioned (b) (6)(b) (6), (b) (6) about the missing tailgate, (b) (6)(b) (6), (b) (7)(C) stated it was stolen while parked at the (b) (6), (b) (7)(C) (b) (7) (Exhibit 11)

On January 12, 2016, OIG Special Agents contacted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA to obtain copies of photographs of damage on the GOV driven by (b) (6)(b) (6), (b) (7) provided 9 photographs of the GOV. (Exhibit 12)

On January 12, 2016, OIG Special Agents contacted (b) (6), (b) (6), again, in order to inquire what, if any Incident or Accident Reports⁵ were filed regarding the damage to the (b) (6), by (b) (6)(b) (6), (b) (6) while it was in (b) (6) custody. On January 27, 2016, (b) (6), (b) (6), (b) (7)(C) confirmed that no Incident or Accident Reports regarding the (b) (6), (b) (7)(C) were filed. (Exhibit 13)

On January 28, 2016, (b) (6), (b) (7)(C) (b) (6) PA, reported there were no Incident or Accident Reports filed for the (b) (6)(b) (6), (b) (7)(C) associated with (b) (6)(b) (6), (b) (7)(C) further stated that (b) (6) had no knowledge of any damage to (b) (6)

⁴ OIG Special Agents initially interviewed (b) (6) on November 4, 2015. After (b) (6)(b) (6), (b) (6) stated in an interview on March 8, 2016, that (b) (6) reported the stolen tailgate to (b) (6) the day that it was stolen, OIG Special Agents made multiple attempts to contact (b) (6) in order to corroborate (b) (6)(b) (6), (b) (6) claim to have filed an official notification regarding the missing tailgate with (b) (6), (b) (7)(C) and OIG Special Agents were unable to contact (b) (6).

⁵ Incident and Accident Reports are referenced in (b) (6) policy (b) (6), (b) (7)(C) -P-006 section 3, see

Discrepancy 1: (b) (6)(b) (6), gave a differing account concerning whether (b) (6) drove the GOV after consuming alcohol on the evening of (b) (6), (b) (7)(C) 2015.

(b) (6), (b) (7)(C)	Provided A Differing Account Concerning Consuming Alcohol	(b) (6) Driving the GOV After
(b) (6), (b) (7)(C) Exhibit 15	1 – July 30, 2015 –	OIG Agents did not ask and (b) (6), (b) (7)(C) about consuming alcohol and operating a GOV. (b) (6), (b) (7)(C) does not mention consuming alcohol and operating a GOV.
(b) (6), (b) (7)(C) Exhibit 2	Interview 2 – October 21, 2015 –	A (b) (6), (b) (7)(C) (b) (6), (b) (7) (b) (6) (b) (6) (b) (6) (b) (6) (b) (6) Q (b) (6), (b) (7)(C) [REDACTED] Q (b) (6), (b) (7)(C) A [REDACTED]

<p>(b) (6), (b) (7)(C) – October 26, 2015 – Exhibit 7</p>	<p>In (b) clarification email, (b) (6)(b) (6), (7)(C) (b) (6) (b) (7)</p>
<p>(b) (6), (b) (7)(C) Interview 3 – March 8, 2016 – Exhibit 3</p>	<p>Q (b) (6), (b) (7)(C)</p> <p>(b) (6), (b) (7)</p> <p>(b) (6), (b) (7)</p> <p>A (b) (6), (b) (7)</p> <p>(b) (6)</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p>

Discrepancy 2: (b) (6)(b) (6), provided differing accounts as to where (b) (6) parked the GOV upon (b) arrival in (b) (6), (b) (7)(C). (b) (6), stated (b) “dumped” the GOV in a lot upon arrival; (b) (6) parked the GOV at the (b) (6)(b) (7)(C) which is where (b) (6), (b) was staying; and, (b) parked the GOV at the Hampton Inn, which was the hotel (b) (6)(b) (6), reserved.

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Discrepancy 2 Explanation:

(b) (6), (b) (7)(C)	Provided Differing Accounts as to Where (b) (6), (b) (7)(C) Parked the GOV
(b) (6), (b) (7)(C) Interview 1 – July 30, 2015 – Exhibit 15	OIG Agents did not ask and (b) (6), (b) (7)(C) does not mention where the GOV was parked during the evening of (b) (6), (b) (7)(C) 2015
(b) (6), (b) (7)(C) Interview 2 – October 21, 2015 – Exhibit 2	<p>Q (b) (6), (b) (7)(C)</p> <p>A</p> <p>(b) (6), (b) (7) (b) (6)</p> <p>Q</p> <p>A (b) (6), (b) (7) ?</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>(b) (6)</p>
(b) (6), (b) (7)(C) Email - October 26, 2015 – Exhibit 7	(b) (6), (b) (7)(C)

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	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Interview 3 – March 8, 2016 – Exhibit 3	<div data-bbox="787 289 868 346">Q</div> <div data-bbox="787 787 868 840">A</div> <div data-bbox="787 903 868 976">Q A</div> <div data-bbox="787 1092 868 1291">Q A Q A</div> <div data-bbox="787 1512 868 1564">Q</div> <div data-bbox="787 1627 868 1711">A Q</div> <div data-bbox="787 1743 868 1795">A</div> <div data-bbox="787 1858 868 1894">Q</div> <div data-bbox="868 289 1372 1894"> <div data-bbox="876 289 1364 357">(b) (6), (b) (7)(C)</div> <div data-bbox="1250 1428 1299 1501">(b) (6)</div> <div data-bbox="1088 1732 1185 1816">(b) (6), (b) (7)</div> </div>

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	<div> A Q A </div> <div> <div>(b) (6), (b) (7)(C)</div> <div></div> </div>
--	--

Discrepancy (b) (6), (b) (6),) provided differing accounts as to where (b) secured the (b) law enforcement gear (b) (b) (7) was transporting, which included approximately (b) (6), (b) (7)(C)(b) (b) (6), first stated (b) left the equipment in the GOV in a parking lot; (b) stated (b) secured the law enforcement (b) (7) gear at the (b) (6), (b) (7)(C) and, (b) also stated (b) secured the gear at the Hampton Inn.

Discrepancy 3 Explanation:

(b) (b) (6), (b) (7)(C) Provided Two Separate Accounts as to Where (b) Stored (b) Law Enforcement Equipment (b) (6)	
(b) (6), (b) (7)(C) Interview 1 – July 30, 2015 – Exhibit 15	(b) (6)(b) (6), is not asked any questions concerning where (b) secured the law enforcement gear (b) was transporting.
(b) (6), (b) (7)(C) Interview 2 – October 21, 2015 – Exhibit 2	<div> <div>A</div> <div>(b) (6), (b) (7)(C)</div> <div>Q</div> <div>(b) (6)</div> <div>A</div> <div>Q</div> <div>(b) (6)</div> <div>(b) (6)</div> <div>(b) (6)</div> <div>Q</div> </div>

	<p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p>	<p>(b) (6), (b) (7)(C)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p> <p>(b) (6)</p>
<p>(b) (6), (b) (7)(C) Email - October 26, 2015 – Exhibit 7</p>		<p>(b) (6), (b) (7)(C)</p> <p>((b) (6), (b) (7)</p> <p>(b) (6)</p>

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	(b) (6), (b) (7)(C)
(b) (6), Interview 3 – March 8, 2016 – Exhibit 3	<p>Q (b) (6), (b) (7)(C)</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p> <p>A</p> <p>Q</p>

Discrepancy (b) (6), (b) (6), stated (b) (6) spent the night of (b) (6), (b) (7)(C) 2015, at the (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) hotel (b) (6), (b) (7)(C), (b) (6), account contradicts (b) (6), (b) (7)(C) statement which is that they both spent that night together at the Hampton Inn.

Discrepancy 4 Explanation:

(b) (6), (b) (6), Stated (b) (6) Spent the Night at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Stated They Spent the Night Together at the Hampton Inn	
(b) (6), Interview 1 – July 30, 2015 – Exhibit 15	OIG Agents did not ask (b) (6), (b) (6), what hotel (b) (6) spent the night on (b) (6), (b) (7)(C) 2015.
(b) (6), Interview 2 – October 21, 2015 – Exhibit 2	<p>A (b) (6), (b) (6), (b) (7)(C)</p> <p>Q</p> <p>A</p>

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Discrepancy 5: (b) (6) (b) (6), gave differing accounts regarding checking into the Hampton Inn on (b) (6), (b) (7) (C) 2015. (b) (6) (b) (6), first stated (b) (6) did not reserve or check into the Hampton Inn until after (b) (6) found (b) (6) (b) (6), injured, which was in the evening after (b) (6) (b) (6), had gone out for dinner and drinks. (b) (6) also stated (b) (6) booked the Hampton Inn after (b) (6) initial (b) (6) arrival in (b) (6), (b) (7) (C) upon seeing that the parking lot at (b) (6) (b) (6) hotel would not accommodate the GOV (b) (6) was driving.

	<div data-bbox="820 178 1339 262" data-label="Text"> <p>(b) (6), (b) (7)(C)</p> </div> <div data-bbox="755 441 787 483" data-label="Text"> <p>Q</p> </div> <div data-bbox="755 630 787 672" data-label="Text"> <p>A</p> </div> <div data-bbox="755 703 787 745" data-label="Text"> <p>Q</p> </div> <div data-bbox="755 819 787 861" data-label="Text"> <p>A</p> </div>
--	--

Disposition:

This Report of Investigation is being referred to (b) (6), (b) (7)(C) EPA for administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)

Title & Company: (b) (6), (b) (7)(C) PA

Role: Subject

Business Address: (b) (6), (b) (7)(C)

Business Phone: (b) (6), (b) (7)

EPA Employee: Yes

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SECTION C – PROSECUTION STATUS

On October 16, 2015 the EPA OIG consulted with the United States Attorney's Office for the District of South Carolina, Charleston, regarding the stated allegations for potential violations specifically 18 United States Code 1001, False Statements, and use of a GOV in an unauthorized manner. The USAO declined prosecution based on no criminal intent.

On October 21, 2015 the EPA OIG consulted with the United States Attorney's Office for the District of Columbia, regarding the stated allegations for potential violations specifically 18 United States Code 1001, False Statements, and use of a GOV in an unauthorized manner. The USAO declined prosecution (b) (5), (b) (7)(E) .

EXHIBITS

EXHIBIT	DESCRIPTION
1.	(b) (6), (b) (7)(C) Policy: Government Owned Vehicles; (b) (6), (b) (7)(C) -P-006
2.	Transcript of Interview for (b) (6), (b) (b) (6), (b) (7) Interview number 2, dated October 21, 2015
3.	Transcript of Interview for (b) (6), (b) (b) (6), (b) (7) Interview number 3, dated March 8, 2016
4.	Memorandum Of Interview for (b) (6), (b) (b) (6), (b) (7)(C) Interview, number 1, dated August 7, 2015 – With Attachments
5.	Transcript of MSPB Deposition for (b) (6), (b) (b) (6), (b) (7) , dated October 13, 2015
6.	Travel Authorization for (b) (6), (b) (b) (6), (b) (7) , dated (b) (6), (b) (7)(C) 2015
7.	Clarification Email from (b) (6), (b) (b) (6), (b) (7) , dated October 26, 2015
8.	Memorandum of Interview for (b) (6), (b) (b) (6), (b) (7) , dated November 2, 2015
9.	Memorandum of Interview for (b) (6), (b) (b) (6), (b) (7)(C) , dated November 4, 2015
10.	Transcript of Interview for (b) (6), (b) (b) (6), (b) (7) Interview number 2, dated January 6, 2016
11.	Memorandum of Interview for (b) (6), (b) (b) (6), (b) (7) , dated December 23, 2015
12.	Memorandum of Activity for retrieval of Vehicle Damage Photos, dated January 12, 2016
13.	Email from (b) (6), (b) (7)(C) (b) (6), (b) (7) detailing No Corresponding Vehicle Damage Reports, dated January 27, 2016
14.	Email from (b) (6), (b) (7)(C) detailing No Corresponding Vehicle Damage Reports, dated January 28, 2016
15.	Memorandum of interview for (b) (6), (b) (b) (6), (b) (7) Interview number 1, dated July 30, 2015
16.	Memorandum of Interview for (b) (6), (b) (7) , dated November 4, 2015

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-15 (b) (6), (b) (7)(C) EPA
Case No. OI-HQ-2016-ADM-0062

FROM: Patrick Sullivan
Assistant Inspector General of Investigations
Office of Inspector General

TO: Stan Meiburg, Acting Deputy Administrator
Office of Administration

Attached is a copy of our report of investigation on the above-captioned subject. The Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), initiated this investigation based on information provided by the management from the (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C). Due to the sensitive material contained in the attachments, I am submitting this report to you rather than Region (b) (6), (b) (7)(C) management.

The investigation supported the allegation that (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) failed to follow instructions of the EPA Order 3500.1 to review the training documentations of (b) (6), (b) (7)(C) to ensure compliance in a reasonable time for the initial recertification process in 2010. Additionally, (b) (6), (b) (7)(C) failed to follow instructions for the recertification process in 2013 and the (b) (6), (b) (7)(C) training review in the fall of 2014. As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

It is highly recommended that you confer with the Office of General Counsel and the Office of Human Resources to ensure that any action proposed is appropriate and equitable, and for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report,
you are encouraged to contact Special [REDACTED] at [REDACTED] or me at
[REDACTED]

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

1301 CONSTITUTION AVE, NW EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION

REPORT OF INVESTIGATION FOR (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C) EPA
OI-HQ-2016-ADM-0062

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Distribution:

Stan Meiburg
Acting Deputy Administrator
Office of the Administrator
Environmental Protection Agency
With Attachments

Kevin Minoli
Associate General Counsel
Office of General Counsel
**Informational Purposes Only – No
Attachments**

Submitted by:

Special Agent
Office of Investigations

Approved by:

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan 5/24/16
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2016-ADM-0062 **DATE OPENED:** 04/28/2015

CASE TITLE: REPORT OF INVESTIGATION FOR (b) (6), (b) (7)(C), GS-15, [REDACTED] **CASE AGENT(s):** [REDACTED]

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE(s):** WFO

JOINT AGENCIES: NONE **JURISDICTION:** (b) (6), (b) (7)(C), [REDACTED]

SECTION A - NARRATIVE

Introduction

On April 28, 2015, the Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received the allegation that [REDACTED] EPA, [REDACTED] mismanaged the oversight of training (b) (6), (b) (7)(C) in [REDACTED] branch. [Exhibit 1]

Based upon the foregoing information, as well as additional information obtained during the course of the initial investigation, the OI identified and investigated the following allegation:

- [REDACTED] failed to follow instructions of the EPA Order 3500.1 in regards to reviewing the training documentations (b) (6), (b) (7)(C) to ensure compliance in a reasonable time for the initial recertification process in 2010. Additionally, [REDACTED] failed to follow instructions for the recertification process in 2013 and the [REDACTED] training review in the fall of 2014.

The interview accounts found within this report reflect the interviewee's own statements and characterizations.

Possible violation(s)

1. EPA Order 3120.1, Appendix A, Table of Penalties, No. 19 – Delay in carrying out or failure to carry out instructions in a reasonable time.

Synopsis

The allegation was supported.

Details

Investigation Disclosed Allegation Supported

Allegation: [REDACTED] failed to follow instructions of the EPA Order 3500.1 in regards to reviewing the training documentations (b) (6), (b) (7)(C) to ensure compliance in a reasonable time for the initial recertification process in 2010. Additionally, [REDACTED] failed to follow instructions for the recertification process in 2013 and the [REDACTED] training review in the fall of 2014.

Allegation Findings: The results of numerous interviews and reviews of documents did develop sufficient information to support the allegation that [REDACTED] did not follow policy instructions in a reasonable time.

Allegation Investigative Results: On March 23, 2015 and April 28, 2015, the OI interviewed [REDACTED] EPA [REDACTED]. [Exhibits 2 and 3]. According to [REDACTED], when (b) (6), (b) (7)(C) took a refresher course, they had to provide their supervisor with the certificate obtained as a result of the training. If the training did not have a certificate, (b) (6), (b) (7)(C) had to provide some other proof that they took the training, such as an email from the training. During the recertification process, supervisors did not review the entire (b) (6), (b) (7)(C) file, only the training since the last recertification to the current time. Annually, supervisors should have also checked that (b) (6), (b) (7)(C) had taken their required trainings.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b), (b) (7)(C)

(b) (6), (b) (7)(C)

Disposition

As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action. This Report of Investigation is being referred to [REDACTED] for administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person:
Title & Company:

[REDACTED]
[REDACTED] (EPA), [REDACTED]

Role:
Business Address:

Subject
(b) (6), (b) (7)(C)

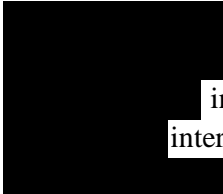
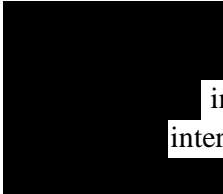
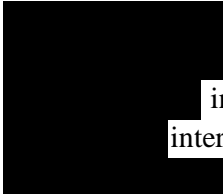
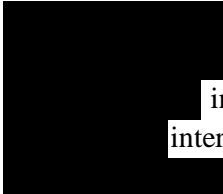
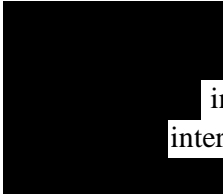
Business Phone:
EPA Employee:

(b) (6)
Yes

SECTION C – PROSECUTION STATUS

As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action.

EXHIBITS

<u>Exhibit</u>	<u>Date</u>	<u>Document</u>
1	04.29.2015	Case Initiation
2	03.23.2015	 interview
3	04.28.2015	 interview
4	05.04.2015	 interview
5	05.20.2015	 interview
6	06.04.2015	 interview



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

May 3, 2016

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)
Case No. OI-HQ-2016-CAC-0017

FROM: Patrick Sullivan *Patrick Sullivan*
Assistant Inspector General of Investigations
Office of Inspector General

TO: (b) (6), (b) (7)(C)
Director

(b) (6), (b) (7)(C)

Attached is a copy of our report of investigation on the above-captioned subject. The Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), initiated this investigation based on information provided by the management from the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The investigation developed information that the allegations against (b) (6), (b) (7)(C) EPA, were both supported and inconclusive. This matter was presented for potential criminal prosecution but was declined.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

It is highly recommended that you confer with the Office of General Counsel and the Office of Human Resources to ensure that any action proposed is appropriate and equitable, and for any necessary guidance about personnel regulations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW EPA WEST BUILDING
WASHINGTON, DC 20004
REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)
OI-HQ-2016-CAC-0017

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Distribution:

(b) (6), (b) (7)(C)

Director

(b) (6), (b) (7)(C)

With Attachments

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Informational Purposes Only – No Attachments

(b) (6), (b) (7)(C)

Associate General Counsel
Office of General Counsel

Informational Purposes Only – No Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

5/3/16

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2016-CAC-0017 DATE OPENED: 11/12/2015

CASE TITLE: (b) (6), (b) (7)(C)
GS-13, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) CASE AGENT(s): (b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity OFFICE: Washington Field Office

JOINT AGENCIES: None JURISDICTION: District of Columbia

SECTION A - NARRATIVE

Introduction

On November 10, 2015, the Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), was referred EPA OIG Hotline complaint 2016-0029.

(b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) took a laptop computer home that was not assigned to (b) (6), (b) (7)(C). In addition, (b) (6), (b) (7)(C) erased EPA software and removed the EPA property decal from the laptop. (b) (6), (b) (7)(C) returned the laptop prior to OI's involvement, after it was determined that (b) (6), (b) (7)(C) was in possession of it. [Exhibit 1]

Possible violation(s)

1. 18 U.S. Code § 641 – Public money, property or records; Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—
2. 5 CFR 2635.7049)(a) -- Use of Government Property – An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes;
3. EPA CIO 2101.0 (formerly 2100.3 A1) policy on limited personal use of government office equipment. 1) Loading personal software onto your Government office equipment or making any related configuration changes, unless approved by an appropriate information technology manager and 2) Voluntarily viewing, downloading, storing, transmitting or copying, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented are considered to be inappropriate personal uses of government office equipment.

Synopsis

This investigation determined the allegation that (b) (6), (b) (7)(C) took possession of and altered a government-owned laptop, and removed the EPA decal without authorization was supported.

This investigation determined the allegation that (b) (6), (b) viewed, downloaded, stored, transmitted or copied, either electronically or from a hard copy, material that is sexually explicit or sexually oriented to be inconclusive.

On February 1, 2016, OI briefed Assistant United States Attorney Muiywa Bamiduro for the District of Columbia. The federal violations pertaining to this case involved 18 USC 1001 – False Statements and 18 USC 641 – Public Money, Property or Records. On February 2, 2016, AUSA Bamiduro advised OI that his office would not accept the matter for criminal prosecution because (b) (5), (b) (7)(E) (b) (5), (b) (7)(E) [Exhibit 2]

Investigation Disclosed Allegations Supported

Allegation 1: (b) (6), (b) took a government-owned laptop home, and removed the EPA property decals from the laptop, all without authorization.

Allegation 1 Findings: The allegations that (b) (6), (b) took the government-owned laptop home and removed the EPA property decals all without authorization, are supported.

Allegation 1 Investigative Results:

Multiple interviews were conducted which indicated the computer was noted as being missing, it was discovered to be in (b) (6), (b) (7) possession and that (b) initially denied having the computer prior to returning it. [Exhibits 3-6] (6)

Subject Interview

On February 2, 2016, the Office of Investigations interviewed (b) (6), (b) [Exhibit 7] During the course of the interview (b) (6), (b) stated (b) knew it was wrong to take the computer home, but added that if (b) was intending to steal a computer (b) wouldn't have chosen that particular computer because of its current condition. Due to its condition (b) (6), (b) considered it to be a derelict computer, one that EPA did not want back. (b) (6), (b) was asked what (b) definition of stealing was where (b) replied that it was the taking of something of value from the agency using for (b) own benefit and concealing the fact that it was taken. (b) (6), (b) stated that the difference with this definition and (b) situation was due to the "decrepit" value of the computer, that is, it was of no value to the agency (b) anymore (b) (6), (b) advised that when (b) left EPA with the computer (b) had placed it in a bag. (b) (6), (b) stated that it did "imply" that (b) knew it was wrong because (b) wasn't asking for permission. (b) (6), (b) stated that (b) removes (b) assigned EPA computer the same way, in a bag. (6)

According to (b) (6), (b) (7)(C) the government-owned laptop had decals and labels on it, which (b) (6) described as being "typed on tape" but the tape was messy so (b) (6) removed it with "Glue be Gone." On the laptop in question, (b) (6), (b) (7)(C) acknowledged that (b) (6) installed (b) (6) own software as (b) (6) did not think it was proper to use the EPA software. (b) (6), (b) (7)(C) stated (b) (6) installed both Windows 10 and Microsoft 13 onto the Government-owned laptop.

Allegation 2: (b) (6), (b) (7)(C) downloaded personal software on the government-owned laptop under (b) (6) name.

Allegation 2 Findings: The allegation that (b) (6), (b) (7)(C) installed (b) (6) own software on the government-owned laptop without authorization is supported. (b) (6)

Allegation 2 Investigative Results:

Subject Interview

On February 2, 2016, the Office of Investigations interviewed (b) (6), (b) (7)(C) [Exhibit 7] During the course of the interview (b) (6), (b) (7)(C) acknowledged that (b) (6) installed (b) (6) own software as (b) (6) did not think it was proper to use the EPA software. (b) (6), (b) (7)(C) installed both Windows 10 and Microsoft 13 onto the laptop computer.

Examination report

On March 4, 2016, the Office of Investigations reviewed the Electronic Crimes Division computer examination report for (b) (6), (b) (7)(C) [Exhibit 8] According to the examination report, nine (9) bookmarks show that Windows software registered to (b) (6), (b) (7)(C) was downloaded onto the laptop.

Allegation 3: (b) (6), (b) (7)(C) downloaded, stored, transmitted or copied, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented onto the government- owned laptop.

Allegation 3 Findings: The allegation that (b) (6), (b) (7)(C) downloaded, stored, transmitted or copied, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented onto the government-owned laptop is inconclusive.

Allegation 3 Investigative Results:

Subject Interview

On February 2, 2016, the Office of Investigations interviewed (b) (6), (b) (7)(C) [Exhibit 7] During the course of the interview, (b) (6), (b) (7)(C) denied ever visiting any pornographic websites but clarified that (b) (6) may have clicked on a link that was inappropriate but that's it.

On March 4, 2016, the Office of Investigations reviewed the Electronic Crimes Division computer examination report for (b) (6), (b) (7)(C) On March 4, 2016, the Office of Investigations reviewed the Electronic Crimes Division examination report for (b) (6), (b) (7)(C) [Exhibit 8] According to the

examination report forty-seven (47) bookmarks within unallocated clusters show that pornographic websites were visited while the laptop was in (b) (6), (b) (7) possession

Subject Interview

On April 19, 2016, the Office of Investigations re-interviewed (b) (6), (b) (7)(C) [Exhibit 9] (b) (6), (b) (7) denied viewing any pornography on the government-owned laptop stating, "If I visited porn I would know, if I accessed porn twice than maybe but 47 times, I would remember." (b) (6), (b) (7)(C) also said that, "I'm not certain that I did." (b) (6), (b) (7)(C) relayed that (b) (6), (b) (7)(C) may have had access to the laptop because the laptop was kept in the office and the hibernation function was altered. (b) (6), (b) (7)(C) indicated that there were times where the laptop would be up but (b) (6), (b) (7)(C) was not using it, such as, when (b) (6), (b) (7)(C) went to the restroom, ate lunch or maybe when (b) (6), (b) (7)(C) stepped out." If anyone did access the laptop it would have been (b) (6), (b) (7)(C) who is (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) clarified that (b) (6), (b) (7)(C) did not view any porn sites, but stated what may have happened was that (b) (6), (b) (7)(C) could have viewed some websites.

Disposition

This Report of Investigation is being sent to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for administrative review and any action deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
 Title & Company: (b) (6), (b) (7)(C)
 Role: Subject
 Business Address: (b) (6), (b) (7)(C)
 Business Phone: (b) (6), (b) (7)(C)
 EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On February 1, 2016, OI briefed Assistant United States Attorney Muiyiwa Bamiduro for the District of Columbia. The federal violations pertaining to this case involved 18 USC 1001 – False Statements and 18 USC 641 – Public Money, Property or Records. On February 2, 2016 AUSA Bamiduro advised OI that his office would not accept the matter for criminal prosecution. [Exhibit 2]

EXHIBITS

EXHIBIT	DESCRIPTION
1.	11.10.2015 – OI-HQ-2016-CAC-0017 Case Initiation
2.	02.02.2016 – AUSA Declination
3.	11.19.2015 MOI (b) (6), (b) (7)(C)
4.	11.20.2015 – MOI
5.	11.20.2015 – MOI
6.	11.23.2015 MOI
7.	02.02.2016 MOI
8.	03.04.2016 – ECD Examination Report
9.	04.19.2016 – MOI (b) (6), (b) (7)(C) 2 nd Interview